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THE INDIAN STREAM REPUBLIC

AND

LUTHER PARKER

BY

GRANT SHOWERMAN, PH.D.

Professor in the University of Wisconsin

CONCORD, N. H.
NEW HAMPSHIRE HISTORICAL SOCIETY
1915


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CORRIGENDA

Page 7, note 6, line 7, for "Haynes" read "Thayer."

Page 97, line 18, for "1834" read "1835." This was not an attempt to arrest, but to remove the lumber mentioned on page 98.

Page 98, line 8, for "during the spring" read "in June, 1835."

Page 112, line 1, for "Early in May" read "In April."

Page 158, line 16, for "before" read "after."

The greater number of the settlers who occupied the lands of southeastern Wisconsin during the years immediately preceding the sale of 1839 were of New York and New England origin. The biography of one of them, Luther Parker, may lay claim to a special interest as illustrating the conditions of pioneer life, not only in Wisconsin but also in New Hampshire, where, before his migration to the West and participation in the building of the new commonwealth, he was actively concerned in one of the most interesting experiments in the history of American democracy, as well as in a border trouble which at one time threatened to result in complications between the United States and Great Britain.

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PART ONE

THE INDIAN STREAM REPUBLIC AND LUTHER PARKER

THE INDIAN STREAM REPUBLIC
AND
LUTHER PARKER
New Hampshire and Wisconsin Pioneer

CHAPTER 1
Ancestry and Early Years

Luther Parker, the first white man to become permanently domiciled within the limits of the present township of Muskego, Waukesha county, Wisconsin, was born at Temple, Hillsborough county, New Hampshire, near the Massachusetts line, on December 18, 1800, of Joshua Parker and Polly Taylor Parker, natives of Redding, Massachusetts, about ten miles north of Boston, and now called Wakefield. He was one of five brothers.

The Luther Parker ancestry in America begins with Thomas Parker, born in England in 1609, who sailed from London on March 11, 1635, in the expedition of the ships *Suzan* and *Ellin*, fitted out by Sir Richard Saltonstall, and landed at Lynn, Massachusetts. The Lynn annals record his coming: "1635. Came this year, Thomas Parker, a farmer, who embarked at London, March 11, 1635."[1]

Thomas Parker resided for several years at Lynn, the owner of forty acres of land, and in 1639 moved to Lynn Village, later called Redding (1644), still later South Redding (1812), and finally Wakefield (1868). Here he became deacon of the Redding church, which was built about 1644, its first minister being ordained

November 5, 1645, was selectman in 1661 and for some time afterward, and died on August 12, 1683, possessed of an extensive landed property. His wife Amy, to whom he was united about Christmas of 1635, died on January 15, 1690. The gravestone of Thomas Parker is still to be seen in the lower end of the old cemetery at Wakefield, where it was placed, with many others of its time, after their discovery during an excavation in 1834. It is of a hard, slate-colored material, with inscription unimpaired and plainly legible.[2]

The sons and daughters of Thomas and Amy Parker were ten: Thomas (Lynn, 1636–July 17, 1699); Hananiah (Lynn, 1638–March 10, 1724), who married Elizabeth Browne of Redding on September 30, 1663, and was ancestor of Captain John Parker of Lexington and the Reverend Theodore Parker; John (1) (Redding, 1640–1698), a sergeant, ancestor of Luther Parker; Joseph (1642–1644); Joseph (1645–1646); Mary (December 12, 1647–1705), who married Samuel Dodge and was the mother of eleven children; Martha (March 14, 1649–1651); Nathaniel (May 16, 1651), who married Bethia Polly September 24, 1677, and had thirteen children; Sarah (September 30, 1653–October 26, 1656); Jonathan (May 18, 1656–June 10, 1680), who served in the Indian wars; Sarah (May 23, 1658). The custom of giving a succeeding son or daughter the name of a deceased child may be noted here.[3]

The sons and daughters of John Parker (1) were fourteen, nine by his union with Hannah Kendall (1650–August 8, 1689), to whom he was married on November 13, 1667, and five by a second union: John (2) (December 16, 1668–January 11, 1740), ancestor of Luther; Thomas (1670–1689); Hannah (1672–1689); Rebecca (1675–1680); Kendall (1677); Abigail (1679–before 1688); Jonathan (1681); David (1686); Abigail

(1688); Hananiah (1691); Rebecca (1693); Thomas (1695); Elizabeth (1698); Mary. John Parker (1) died in 1698.[4]

The sons and daughters of John Parker (2) and Elizabeth Goodwin (1673–May 11, 1731) were twelve: Elizabeth (1695–1703); John (1697–before 1701); Abigail (1699); John (1701); Benjamin (April 9, 1703), great-grandfather of Luther; Elizabeth (1704–before 1706); Elizabeth (1706); Lillie; Joseph (1707–before 1711); Mary (1710); Joseph (1711); Thomas (1716), who moved to Bennington. John Parker (2) died on January 11, 1740.

The sons and daughters of Benjamin Parker were eleven, eight by his marriage with Sarah Foster (October 16, 1701–1741, married in 1726), and three by a second marriage: Benjamin (1727); Sarah (1728); Phoebe (1730); Elizabeth (1731); Reuben (1732); William (1735); Lydia (1736); Asa (May 24, 1740–August 23, 1809), grandfather of Luther; Elisha (1749); Elisha; Simeon (1752). Asa Parker, who lived at Redding, was active in the events of April 19, 1775, the day that Captain John Parker of Lexington said: "Don't fire unless fired upon; but if they want a war, let it begin here!" Their great-grandfathers were identical, Deacon Thomas Parker, of Redding.

The sons and daughters of Asa Parker and Hephzibah Nichols (married 1762; Asa died August 18, 1831) were ten: Hephzibah (April 7, 1767), who married Jonathan Temple; Elizabeth (August 25, 1769), who married Simeon Batchelder; Asa (February 20, 1770), who married Emma Eames; Rebecca (April 18, 1772), who married John Harnden; Joshua (May 15, 1774–June, 1855), father of Luther; Loa (April 29, 1777); Lucy (November 2, 1779); Loa (April 8, 1782), who married Anna Bancroft; Levi (April 30, 1784), who

married Polly Nichols in 1805; Lucinda (July 17, 1786), who married Samuel Pratt.

Joshua Parker and Polly Taylor (born November 11, 1774) were married in Redding on November 13, 1796, by Peter Sanborn. Their sons were five: Joshua (February 16, 1798–July, 1878), who enlisted in the War of 1812; Luther (December 18, 1800–June 15, 1853), the subject of this biography; Ebenezer (October 19, 1804–February 3, 1805); Edwin (June 30, 1807–July 7, 1830); Asa (September 17, 1810–May 22, 1895). Between February 16, 1798, the date of Joshua's birth, and December 18, when Luther was born, the Parker family moved from Redding, Massachusetts, to Temple, New Hampshire. Joshua Parker's death occurred at Temple in June, 1855, and that of his wife in September, 1856.

Luther Parker received his early education in the common school at Temple. Other than that there is no information regarding his boyhood.

About the year 1816 he went to Stoneham, Massachusetts, near his father's former home, and learned the shoemaker's trade, being apprenticed in one of the numerous shops of that time, when nearly every farmer kept a shop where he spent the spare hours of the winter months and other periods of farm inactivity. Not content with the prospect of following this occupation through life, he returned to Temple and attended the academy at New Ipswich, not far distant. On the completion of his studies there he taught district school in the neighborhood of Albany, New York.[5]

In 1825 and 1826 Luther Parker taught school at Stratford, New Hampshire, somewhat south of Colebrook, Coös county, on the Connecticut river, nearly opposite and not far from Brunswick, Vermont. Here he met Alletta French, one of the ten children of Thomas Giles French of Brunswick. She was born on

June 11, 1803, and had lived since her eighth or tenth year with the family of Squire Baldwin in Stratford, and was a pupil in the Stratford school when Luther Parker became its master.[6]

Luther Parker and Alletta French were married at Stratford on the 18th of February, 1827, and in the same year, probably soon after their union, settled on land in what was then usually known as the Indian Stream country. Here they remained until the spring of 1836.

NOTES

[1] Genealogical and Biographical Notes of John Parker of Lexington and his Descendants, showing his earlier ancestry in America from Dea. Thomas Parker, of Reading, Massachusetts, from 1635 to 1893. By Theodore Parker, a descendant in the 9th generation from Deacon Thomas Parker. Worcester, Mass. Press of Charles Hamilton. 1893. Pp. 21–22.

[2] *Ibid.*, pp. 22–29.

[3] *Ibid.*, 29–30. Where a single date occurs, the date of death is unknown.

[4] For most of the genealogical detail from this point to the conclusion of the chapter I am indebted to Lincoln H. Parker, of Duluth, Minn., grandson of Luther Parker. His sources were family notes collected by his father and grandfather, compared with the above book on John Parker of Lexington, and Lilley Eaton's Genealogical History of the Town of Reading, Mass.

[5] The details of Luther Parker's life have been in great part supplied me by his son, Hon. Charles D. Parker of River Falls, Wisconsin, who was born at Indian Stream December 27, 1827, and lived there until his ninth year.

[6] The French genealogy, as compiled by Mattie French of Kenosha, Wisconsin, and accepted by the D. A. R., 1812, and Patriots and Founders, shows Alletta French's descent as follows: John French (1), of Essex County, England, settled in Dorchester, Mass., in 1630, removed to Braintree in or after 1643, died Aug. 6, 1699; John French (2), born Feb. 28, 1641, married Experience Haynes; John French (3), born April 16, 1669, removed to Mendon, Mass.; John French (4), born Mar. 14 (June 25?), 1728, married Anna Haynes in 1754, removed to Maidstone, Vt., died April 18, 1781; Thomas Giles French, born at Mendon, Mass., July 12, 1773; Alletta, Thomas Giles, Alvin, etc., of Brunswick, Vt.

CHAPTER 2

Indian Stream

The history of Luther Parker from 1827 to 1836 is so intimately connected with that of the Indian Stream country that both may be blended into a single narrative.

Indian Stream, Indian Stream Settlement, Indian Stream Territory, Township of Indian Village, Township of Liberty in Indian Stream, Indian Grant, Bedel's Grant, Bedel's and Others' Grant, Bedel's and Associates' Grant are all names which were applied to a tract of land situated in what is now the extreme northern portion of Coös county, the northernmost county of New Hampshire. From the treaty of Paris in 1783 to the Ashburton treaty in 1842, when it was definitely assigned to the United States, its status was ambiguous, both Canada and New Hampshire from time to time asserting a right to it, though rarely with enough emphasis to cause serious trouble.

The bounds of the tract were the Connecticut river and the three Connecticut lakes on the south and east, the highlands between the Atlantic and St. Lawrence systems on the northeast and north, and Hall's Stream on the northwest and west. Through the midst of the territory thus enclosed, from northeast to southwest, parallel to Hall's Stream and roughly parallel to the Connecticut river, flows Indian Stream, a tributary of the latter, which joins it some four miles above the mouth of Hall's Stream, itself another tributary. The district is almost identical with the present township of Pittsburg, Coös county, and is described in a proprietor's document of October 25, 1819, as "supposed

to contain one hundred and sixty thousand acres."[1] In a deed of April 5, 1803, it is referred to as "a certain tract or parcel of land situated in the township of Indian Village (so-called) in the county of Grafton.[2] The county of Coös was erected out of the county of Grafton by act of legislature on December 24, 1803.[3]

The physical character of that part of the Indian Stream country which most concerns us may be, at least in part, appreciated from the following description: "Connecticut lake, chief of the river's headwaters, lies sixteen hundred and eighteen feet above sea-level. Picturesquely irregular in outline, its shores in large part with forest fringes broken by green intervals, it is a handsome lake of fine proportions, as becomes a progenitor of so fair a stream. It extends four miles in length, has a breadth at its widest of two and three-quarters miles, and contains nearly three square miles. The neighboring hills are thick with deciduous trees, particularly the maple, mingled with the spruce and fir. In the autumn, while the trees are aglow with their rich tints, the heights are often white from the frozen mist that clings to the spears of the evergreen foliage. . . . Now full-formed the river emerges from the rocky outlet of this limpid basin, falling abruptly about thirty-seven feet. For the first two and a half miles of its course it is almost a continual rapid, averaging perhaps ten rods in breadth. Then it drops into a more tranquil mood and glides along for some four miles, winding west and southwest. Then, and with a sweeping bend in the upper part of the township of Stewartstown . . . receiving along the way two fair-sized tributaries and lesser streams, it flows again more rapidly to the meeting of the bounds of New Hampshire, Vermont, and Canada. Here, joined by another tributary, Hall's Stream, which comes down from the north,

and makes the west bound of New Hampshire and Canada, it swings into its long, serpentine course, separating New Hampshire and Vermont, southward, through romantic country. From Connecticut lake to the meeting of the bounds, or, more exactly, to the mouth of Hall's Stream at Canaan, Vermont, a distance of about eighteen miles, its descent is set down as five hundred and eighty-three feet."[4]

Because of its natural seclusion and its remoteness from the white man's life, and because of danger from the St. Francis Indians, who for a long time blocked all attempts to penetrate even lower Coös county, the Indian Stream country remained for many years unnoticed, and probably undiscovered. Prior to 1760 there had been no English settlement in the Connecticut valley above Charlestown, New Hampshire; but in 1761, as a result of the discipline of the native inhabitants in the French and Indian war, and because of the increased knowledge of the valley's attractiveness acquired in the frequent military expeditions, there was a surging of settlers upstream, and the settlement of Haverhill was begun.[5]

It was nearly thirty years afterward, however, that white men first began to know Indian Stream. In 1785 Luther Fuller "hunted in Indian Stream Territory for Major Whitcomb."[5a] In 1787 the region was visited by a party of Canadian surveyors,[5b] and in 1789 Colonel Jeremiah Eames and others also surveyed the district for the United States government in the attempt to fix the boundary line between Canada and New Hampshire, as contemplated by the treaty of 1783.[6]

In the year 1789 there also visited the Indian Stream country two hunters and prospectors, whose short autumn sojourn so impressed them with the richness and charm of the region that it was fruitful in

consequences. They were David Gibbs of the Haverhill just mentioned, and Nathaniel Wales of Lisbon. They found abundant game and good fishing in the picturesque, well-watered, forest-clad country, and noted the intervals and the rich though limited bottom lands on the Connecticut river and lake and Indian Stream. The Indians not proving troublesome, they returned the following year with a small company of friends, and twelve or fifteen "pitches" were made. At the approach of winter, however, they are said to have withdrawn, and the valley remained unsettled by white men, and, except for hunters and trappers, unvisited.[7]

The history of real settlement at Indian Stream begins in 1796. During that year Chief Philip, of the St. Francis tribe, gave to David Gibbs, Nathaniel Wales, and Moody Bedel a deed to large tracts of land which included Indian Stream, a deed which was executed on June 30, and on November 22 received for record at the Grafton county office.[8] Reference to this instrument is contained in the deed of Nathaniel Wales to Hobart Spencer, executed November 1, 1802: "Know all men by these presents that I, Nath[l] Wales, of Wales location so-called in the County of Grafton and State of New Hampshire, Col. Moody Bedel of the same County and State, and David Gibbs of the Province of Quebec, did purchase of the St. Francis tribe or nation of Indians a certain tract or parcel of land situate as follows: lying north of Great Ammonoosack River so-called, emptying into Connecticut River east of said Connecticut River, west of Province of Maine, warranting and defending the same to us the said Wales, Bedel, and Gibbs, having received of Hobart Spencer of Indian Stream so-called three thousand dollars to my full satisfaction, do give, grant, bargain, sell, confirm to him the said Hobart Spencer, his

heirs and assigns, sixteen thousand acres of land, being part of my share of land purchased in joint partnership with the abovesaid Bedel, Wales, and Gibbs, said land lying in common and undivided equal in quantity with the whole of said land purchased as is above mentioned."[9] The deed of Philip contained provision for perpetual hunting and fishing rights to its giver, and for the right to plant four bushels of corn and beans.[10]

This deed was the basis of subsequent transfers of landed property in the Indian Stream country up to 1824—transfers which began at least as early as November 1, 1802, and for a period of twenty years or more were usually in terms of "common and undivided land belonging to said grant, with the proprietors' right of pitching each and every hundred acres of said land by complying with the rules and regulations and votes of said proprietors as recorded in the clerk's office."[11]

The settlement of the country proceeded slowly at first. Some little light may be thrown upon it, upon the personnel of the pioneers, and upon the composition and activities of the proprietors' association, by a review of the transfers of land during the earlier years of Indian Stream history.

Let us look, first, at the interest of Nathaniel Wales, one of the triumvirate who acquired title to Indian Stream from Philip. On November 1, 1802, he deeded to Hobart Spencer of Indian Stream, for $3,000, sixteen thousand acres of common and undivided land;[12] on June 21, 1804, to Thomas Cutts of York county, Massachusetts, for $4,074.41, thirty thousand acres of common and undivided land;[13] on March 18, 1806, to Enoch Emery of Conway or Bartlett, for $100, one hundred acres on the east side of Indian Stream;[14] on a date uncertain, to James Treadway, a quantity uncertain.[15] As James Treadway deeded land to John Rowe on October 9, 1811, and as John Rowe disposes of a

number of holdings during the years 1811–1813, aggregating about four thousand acres, exclusive of a half interest in a certain tract of dimensions, it seems likely that the Treadway purchase was a large one.[16]

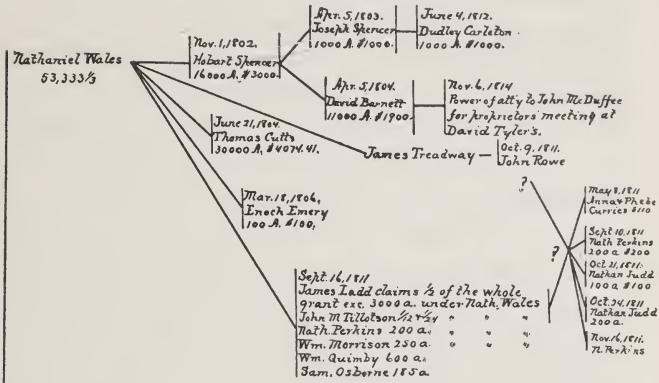
Further, the following transfers of the original Wales lands by the hands of their purchasers are recorded: on April 5, 1803, Hobart Spencer deeded to Joseph Spencer of Waterford, Caledonia county, Vermont, for $1,000, a thousand acres of common and undivided land;[17] on April 5, 1804, to David Barnett of Topsham, Orange county, Vermont, for $1,900, eleven thousand acres of common and undivided land.[18] Joseph Spencer disposed of his thousand acres on June 4, 1812, to Dudley Carleton of Newbury, Orange county, Vermont, for the same price he paid to Hobart Spencer.[19] John Rowe's transfers are numerous: on May 11, 1811, to Anna and Pheobe Currier of Indian Stream, for $110, a quantity of land unknown;[20] on September 10, 1811, to Nathaniel Perkins of Concord, now Lisbon, Grafton county, New Hampshire, for $200, two hundred acres of common and undivided land;[21] on October 21, 1811, to Nathan Judd of Concord, or Lisbon, for $100, one hundred acres of common and undivided land;[22] on October 24, 1811, to Nathan Judd, for a price not stated, two hundred acres of common and undivided land;[23] on November 12, 1811, to Nathaniel Perkins, for $50, one hundred acres of common and undivided land, and for $1,000, one thousand acres at the mouth of Indian Stream, which he calls the Nathaniel Wales farm, acquired by deed of Nathan Beecher(?);[24] on November 16, 1811, to Nathaniel Perkins, for $50, two hundred acres of common and undivided land, and to William Quimby of Concord, or Lisbon, for $150, four hundred acres of common and undivided land;[25] on June 13, 1812, to Ebenezer Fletcher of Charlestown, Cheshire county, New Hampshire, for $275, two thousand two

hundred acres of common and undivided land;[26] on February 7, 1813, to John Haynes of Indian Stream, for a price not recorded, one hundred acres opposite the mouth of Indian Stream;[27] on February 22, 1813, to William Quimby and Nathaniel Perkins, for $50, "one half of a certain tract or parcel of land (except what I have conveyed by deed prior to this conveyance of this deed) lying on Connecticut river on one side and Canada line on the other side, it being the parcel or tract of land I hold by a deed from James Treadway dated the ninth of October, 1811; reference to be had to the above deed (also to the deed executed from Nathaniel Wales to the said James Treadway) for further description of the boundaries."[28]

David Gibbs, another of the three original proprietors, deeded as follows: on September 18, 1811, to David Hill of Waterford, Caledonia county, Vermont, for $100, one hundred acres of common and undivided land, and to David Tyler of Liberty the same;[29] on June 27, 1814, to Abraham Turner of Warwick county, province of Lower Canada, for $500, one thousand acres of common and undivided land;[30] on September 12, 1817, to John Haynes of Indian Stream, for $1,000. one thousand acres of common and undivided land;[31] on June 25, 1821, to John Haynes, for $500, an equal amount of the same.[32]

The disposition of the Gibbs and Wales interests as above recorded may be represented by the diagram on the following page.

There were many other transfers of land which took place prior to 1820, the connection of which with the original grantees of 1796 is not perfectly traceable, but which are parts of the original Wales holding.[33] On July 1, 1804, James Ladd of Indian Stream deeded to Samuel Osborne of Canaan, Vermont, for $500, eighty-five acres at the mouth of Indian Stream, and one


Nathaniel Wales
53,333⅓
Nov. 1, 1802.
Hebart Spencer
16000 A. $3000.
Apr. 5, 1803.
Joseph Spencer
1000 A. $1000.
June 4, 1812.
Dudley Carleton
1000 A. $1000.
Apr. 5, 1804.
David Barnett
11000 A. $1900.
Nov. 6, 1814
Power of atty to John McDuffee
for proprietors meeting at
David Tyler's.
June 21, 1804.
Thomas Cutts
30000 A. $4074.41.
James Treadway —
Oct. 9, 1811.
John Rowe
Mar. 18, 1806.
Enoch Emery
100 A. $100.
Sept. 16, 1811
James Ladd claims ½ of the whole
grant exc. 300 a. under Nath. Wales
John M Tillotson ½ " " "
Nath. Perkins 200 a. " " "
Wm. Morrison 250 a. " " "
Wm. Quimby 600 a.
Sam. Osborne 185 a.
?
?
May 9, 1811
Innav Phebe
Currier $110
Sept 10, 1811
Nath Perkins
200 a. $200
Oct 21, 1811.
Nathan Judd
100 a $100
Oct 24, 1811
Nathan Judd
200 a.
Nov 4, 1811.
N. Perkins
Philip, 1796.
Moody Bedel — Sept. 16, 1811. Matthew Greeley claims 1000 a. "under Moody Bedel."
53,333⅓.
David Gibbs
53,333⅓
Sept. 18, 1811.
David Hill
100 a. $100
Sept. 12, 1811.
David Tyler
100 a. $100.
June 27, 1814.
Abraham Turner
1000 a. $500.
Sept. 12, 1817.
John Haynes
1000 a. $1000
June 25, 1821.
John Haynes
1000 a. $500

hundred acres of common and undivided land;[34] on January 6, 1808, to Betsey G. Ladd of Hereford, Lower Canada, for $250, five hundred acres of common and undivided land.[35] On August 28, 1809, Alexander Plumley deeded to John Plumley, both of Indian Stream, for $100, sixty acres on the east bank of Indian Stream.[36] On March 15, 1810, James Ladd, then of Hereford, deeded to William K. Smith of Piermont, New Hampshire, for $750, one thousand acres (ten lots) of common and undivided land;[37] on September 21, 1811, to David Tyler of Liberty (Indian Stream), for $30, sixty acres of common and undivided land;[38] on October 14, 1811, to Royal Gage of St. Johnsbury, Vermont, for $60, one hundred acres of common and undivided land;[39] on November 7, 1811, to Thomas Hill of Waterford, Caledonia county, Vermont, for $100, two hundred acres of common and undivided land.[40] On June 20, 1812, Nathaniel Bean deeded to Sinclair Bean and Nathaniel Bean, Jr., all of Indian Stream, for $200, a quantity not stated.[41] On September 24, 1812, James Ladd deeded to Thomas Brigham of Liberty (leaf missing);[42] on the same date, Thomas Brigham to John Haynes, for $150, one hundred and thirty acres, being lot 12 of Ladd's survey;[43] on December 19, 1812, Thomas Brigham to Royal Gage, for $50, one hundred acres of common and undivided land; and to Thomas Hill, for $100, two hundred acres of the same.[44]

The transfers of 1813 to 1819 were as follows: on March 20, 1813, John Plumley to John Haynes, both of Indian Stream, for $162, sixty acres on the east bank of Indian Stream, the same he had of Alexander Plumley in 1809;[45] on September 16, 1813, Samuel and Lydia Osborne of Indian Stream to James Heath of Stewartstown, for $445, eighty-five acres at the mouth

of Indian Stream acquired of James Ladd;[46] in January, 1815, Jesse Tyler of Colebrook to James Heath of Liberty, for $250, the one hundred acres of the Tyler pitch, and a fifty-acre gore bounded on the south by the Connecticut river;[47] on February 18, 1815, James Ladd to Mary Ladd, both of Hereford, Lower Canada, for $500, five hundred acres of common and undivided land;[48] on January 22, 1816, Nathaniel Tyler to Noah Lyman, both of Columbia, Coös county, for $75, one hundred and twenty-five acres of common and undivided land;[49] on May 9, 1816, David Tyler to Abner Hyland, both of Indian Stream, for $700, three hundred and twenty-eight acres near the mouth of Indian Stream;[50] on June 13, 1816, Benjamin Spencer of Colebrook to Noah Lyman of Columbia, for $200, twelve hundred acres of common and undivided land;[51] on August 23, 1816, Noah Lyman to Daniel Barnes of Southampton, Massachusetts, for $200, two hundred acres of common and undivided land;[52] on March 13, 1817, Jeremiah Eames of Stewartstown to Noah Lyman, for $60, six hundred acres of common and undivided land; [53] on July 12, 1819, James Heath of Indian Stream to Daniel Rogers of Newbury, Vermont, for $500, eighty-five acres at the mouth of Indian Stream, the same he had of Samuel and Lydia Osborne in 1813;[54] on August 1, 1819, Winslow Higgins of Waterford, Vermont, to James Heath, for $60, lot number 4;[55] on September 9, 1819, Nathan L. Smith of Stratford, Coös county, to Jeremiah and Thomas Tabor of Bradford, Vermont, for $700, land on the west bank of Indian Stream;[56] on November 1, 1819, David Tyler to John Haynes of Indian Stream, for $40, one hundred acres (lot 9) earned by settler's duty, and sixty acres adjoining, acquired from Ladd.[57]

From the above and other like data in the Indian

Stream instruments it is possible to draw certain conconclusions regarding the history of the region. It is, of course, apparent that not every person who bought or sold land in the tract was a resident. David Barnett, for example, purchased eleven thousand acres in 1804, and in 1814 we find him giving power of attorney to John McDuffee to use at a proprietors' meeting appointed for November 6.[58] Thomas Cutts gives the same to J. M. Tillotson on January 7, 1816, for a similar purpose;[59] and Dudley Carleton to John B. Carleton on October 2, 1819.[60] While such evidence does not afford conclusive proof of non-residence, it strongly indicates it, especially as these names appear neither in the tax inventories of later years nor on the citizens' roll of 1832.

It is also apparent that it is the larger landed proprietors who are most likely to be non-resident. If Nathaniel Wales, David Gibbs, and Moody Bedel were actual settlers, it was for only a comparatively short time. Nathaniel Wales of Indian Stream occurs for the last time in 1806;[60] and in 1802 he is called of Wales Location, so-called, in Grafton county; David Gibbs is a resident of Lower Canada by 1802;[61] and there is no evidence of Moody Bedel's residence at Indian Stream until 1811, beyond the fact that he was joint owner of the district.[62] In 1802 he is of the same residence as Wales.

NOTES

[1] Lib. 2nd, Proprietors' Records of Deeds of a Tract of Land called Bedel's and Others' Grant, p. 39.

[2] *Ib.*, p. 41. Here may be described the manuscript sources from which most of the data of this and several succeeding chapters are derived. They are as follows:

1. The above named Lib. 2nd, Proprietors' Records, etc., a manuscript book, 8 x 12 inches, loosely sewed, without cover, originally containing 46 pp., of which the second leaf, pp. 2 and 3,

is missing. Its contents consist of copies of deeds, with dates of execution ranging from November 1, 1802, to August 23, 1816, and records of proprietors' meetings with date as late as October 25, 1819.

2. Lib. 3rd, Proprietors' Records, etc., of the same description and contents as Lib. 2nd, containing 38 pp., with dates of execution ranging from June 21, 1804, to April 20, 1829, and dates of proprietors' meetings extending to October 26, 1818. The numbering of pp. 1–3 and 30 occurs twice.

3. A book of the same description, without title, containing a few deeds and agreements, the tax inventories of 1827–1830, 1832, and 1834, and the minutes of several meetings of the Assembly of Indian Stream. Pp. 1–6 are missing, and one or two leaves at the end, and part of p. 26 is torn off. The dates in this manuscript range from July 31, 1823, to March 15, 1834.

These three manuscripts were loaned me by Mr. Sylvester Lyford, clerk of the town of Pittsburg, who called my attention to their existence in his office in September, 1911. They will be referred to as 2, 3, and 4.

4. A leather-bound manuscript book inscribed Indian Stream Records, Book C, of the same form as the above, containing 335 pages, of which 33–219 are blank. Pp. 1–33 contain the constitution, citizens' roll, and enactments of Indian Stream, and partial minutes of its Assembly meetings from July 9, 1832, to April 18, 1835. Pp. 219–335 contain deeds and agreements dating from October, 1811, to August 29, 1835. The book is in the possession of the New Hampshire Historical Society at Concord, into whose keeping it was given by Judge Edgar Aldrich of the United States courts. The book will be referred to as C.

[3] Coolidge and Mansfield, History and Description of New England, p. 507.

[4] Edwin M. Bacon, The Connecticut River and the Valley of the Connecticut, pp. 350–1.

[5] Grant Powers, Historical Sketches of the Coös Country, 1841, pp. 9, 37. For the journal of an attempt to ascend the Connecticut valley in 1754, see pp. 17–32.

[5a] The report of the Commissioners to Indian Stream, November, 1836, p. 202.

[5b] Bacon, p. 368.

[6] Report of Indian Stream Com., pp. 190 ff.

[7] Bacon, 368.

[8] Edgar Aldrich, Our Northern Boundary, etc., Proceedings of New Hampshire Historical Society, vol. 2, p. 378, quotes the deed of Philip. Thomas Eames is there named as the grantee. The connection between him and Wales, Gibbs, and Bedel, who are everywhere else heard of as the possessors of the tract, is not clear. Judge Aldrich's article is printed also in *The Granite Monthly*, xvii, 4, October, 1894.

[9] 2, p. 8. The reference to the Great Ammonoosuc is repeated in 2, p. 9 (April 5, 1804) and 3, p. 38 (March 19, 1813). It may refer to an early and indefinite form of the claim, which is usually made in the terms: "Land situated in the United States of America, bounded on Connecticut River south and Province of Maine east and Canada line north" (2, p. 19, November 12, 1811).

[10] Aldrich, 378.
[11] 2, p. 8.
[12] 2, p. 8.
[13] 3, p. 12.
[14] 2, p. 45.
[15] 2, p. 7.
[16] 2, pp. 5, 12, 14, 18, 19, 33; C, p. 227.
[17] 2, p. 41.
[18] 2, p. 9.
[19] 2, p. 43.
[20] 2, p. 23.
[21] 2, p. 13.
[22] C, p. 227.
[23] C, p. 228.
[24] 2, pp. 19, 12.
[25] 2, pp. 14, 5.
[26] 2, p. 33.
[27] 2, p. 18.
[28] 2, p. 7.
[29] 3, pp. 7, 4.
[30] 2, p. 24.
[31] C, p. 222.
[32] 3, p. 37.
[33] 3, p. 19.
[34] 3, p. 16.
[35] 2, p. 37.
[36] 2, p. 16.
[37] 2, p. 21.
[38] 3, p. 5.
[39] 3, p. 3 bis.
[40] 3, p. 8.
[41] 2, p. 28.
[42] 3, p. 1.
[43] 2, p. 4.
[44] 3, p. 4.
[45] 2, p. 17.
[46] 2, p. 24.
[47] 3, p. 18.
[48] 2, p. 29.
[49] 3, p. 23.
[50] 2, p. 22.
[51] 3, p. 24.
[52] 2, p. 31.
[53] 3, p. 26.
[54] 3, p. 17.
[55] 3, p. 14.
[56] 3, p. 3.
[57] 3, p. 33.
[58] 2, p. 11.
[59] 2, p. 44.
[60] 2, p. 40.
[61] 3, p. 7.
[62] 2, p. 19.

CHAPTER 3

The Settling of Indian Stream

From those deeds which specify residence and describe holdings with definite bounds, from certain records of proprietors' meetings, from the inventories for taxes from 1827 on, and from the citizens' roll of 1832 it is possible to construct a comparatively full account of the formation of the Indian Stream community. There were probably some residents whose names do not appear in any of the instruments and records; but the number of settlers of whom there is evidence is in itself proof that the names of most of them are known, when we consider that at no time did the number of voters at Indian Stream greatly exceed sixty.

Omitting further mention of Wales and Gibbs, we note that Hobart Spencer is mentioned as of Indian Stream in the Wales deed of November 1, 1802, though on April 5 of the next year he is of Lower Canada.[1] In 1804 James Ladd, who in all subsequent instruments is of Hereford, Lower Canada, is of Indian Stream.[2] On July 1 of that year Samuel Osborne of Canaan acquires of Ladd eighty-five acres at the mouth of Indian Stream, on the east bank.[3] Osborne sold this land in 1813,[4] but afterward owned property near Back Lake brook, and was on the citizens' roll of 1832.

On March 18, 1806, Enoch Emery of Conway or Bartlett had one hundred acres of land of Nathaniel Wales on the east bank of Indian Stream, and the presumption is that he became a resident, though no more is heard of him.[5] A certain Smart also was resi-

dent in 1806.[6] On August 28, 1809, Alexander Plumley sells John Plumley sixty acres on the east bank, and both are of Indian Stream.[7] Anna and Phoebe Currier are mentioned as of Indian Stream on May 11, 1811,[8] and John Rowe, who deeds to them on that date "a sartinge tract or parcel of land situated on Indian Stream so-called, it being a part of a lot of land I bought of John Homan, lot number 5, situated on Indian Stream begininge at the wester side on the had line of Samuel Osborn's, thence an est corse to land clamed by John Plumley, thence on the devishion line as it knowe runs to Indian Stream, thence down Indian Stream to the first mentioned bound," is himself of Indian Stream at the time. On September 10 of the same year he is of Prospect, district of Three Rivers, province of Lower Canada, and on November 12 and 16 of "Prospect, supposed to be in the United States of America," and on June 15, 1812, "of Prospect (so-called) or Indian Stream in the United States of America."[9] February 7 of the next year he is of Concord, or Lisbon.[10] David Tyler of Liberty also appears in 1811, having land of David Gibbs and James Ladd on September 18 and 21.[11]

From the number of transfers which took place in 1811 a considerable interest in Indian Stream lands may be inferred. There are also references to a Ladd's survey of 1811, and a certificate confirming David Tyler in the possession of lot 9 is dated Liberty, September 21, and signed by "James Ladd, Govnt. Surveyor."[12]

Not all of the transfers indicate new residents of the district, of course; but, on the other hand, there were settlers whose names do not appear in deeds, as will appear from the following list of names which are signed to a petition addressed to the proprietors'

meeting of September 16, 1811: Samuel Osborn, David Tyler, James Ladd, Jesse Tyler, Jonathan Kimball, Benjamin Kimball, Frederick Kimball, Sinclair Bean, Anna W. Currier, Phoebe Currier, Thomas Brigham, Joseph Jones, Stephen F. Hemingway, John Haynes, William Quimby, John Rowe for John Punchard, Timothy Bedel, Moody Bedel, Richard Quimby, David Tyler for Eunice and Abigail Plumley.[13]

To these data for 1811 may be added that Nathan Judd of Lisbon, said to have come to Indian Stream in 1813, had land of John Rowe on October 21, 1811;[14] that Nathaniel Perkins of Lisbon, said to have come in 1814, had of John Rowe on September 10, 1811, two hundred acres of common and undivided land, on November 16 two hundred acres more, and on November 12 one thousand acres at the mouth of Indian Stream, being the Nathaniel Wales farm;[15] and that John Haynes, said to have come in 1813, signs himself "Justice" on September 10, 1811.[16] Ebenezer Fletcher, Daniel Haynes, and John Comstock are also said by the Fergusson history to have come in 1811.[17]

The only evidence for 1812 is in the following: on June 13 Ebenezer Fletcher of Charlestown, Cheshire county, had of John Rowe twenty-two hundred acres of common and undivided land;[18] on June 20 Nathaniel Bean deeds to Sinclair Bean and Nathaniel Bean, Jr., land at the mouth of Indian Stream;[19] on July 21 Ebenezer Fletcher acquires of James Ladd four hundred acres of common and undivided land;[20] on September 24 Thomas Brigham transfers to John Haynes of Indian Stream one hundred and thirty acres, equal to lot 12 of Ladd's survey;[21] on December 19 Thomas Brigham, now of St. Johnsbury, Vermont, deeds to Royal Gage of the same place one hundred acres of common and undivided land, and to Thomas Hill of Waterford, Vermont, two hundred acres.[22]

In 1813, John Rowe, now of Lisbon, deeds to John Haynes one hundred acres opposite the mouth of Indian Stream on February 7;[23] and on February 22, to Nathaniel Perkins and William Quimby of Lisbon half interest in a tract;[24] on March 20 John Plumley deeds to John Haynes sixty acres on the east bank;[25] on September 16 Samuel and Lydia Osborn deed to James Heath of Stewartstown eighty-five acres at the mouth of Indian Stream.[26] Nathan Judd also came this year.[26a]

For 1814 there is no evidence in the deeds to throw light upon the coming of settlers. Nathaniel Perkins is said to have come during this year.[27]

In 1815 James Ladd transfers to Betsey Ladd, both of Hereford, five hundred acres of common and undivided land, and in January Jesse Tyler, now of Colebrook, transfers to James Heath, now of Indian Stream ("of a place called Liberty"), the hundred acres he pitched upon at least as early as 1811, and an adjoining gore bounded on the east by Brigham's land and on the south by the Connecticut river.[28] The Fergusson history states that Clark J. Haynes and William Hyland arrived this year.[29] In November a proprietors' meeting was held.[30]

The only evidence for 1816 concerning actual settlement is to be found in the deed from David Tyler to Abner Hyland, both of Indian Stream, of three hundred and twenty-eight acres near the mouth of Indian Stream.[31]

On May 12, 1817, John Haynes acquires from David Gibbs one thousand acres of common and undivided land, "with the proprietors' right of pitching two hundred acres to each actual settler as by proprietors' records will appear."[32] On October 27 there was a proprietors' meeting.[33]

On October 26, 1818, there was another proprietors'

meeting, at which John Haynes was confirmed in the possession of one hundred acres of land on Gage brook, on which he had done settler's duty.[34]

In 1819, on September 29, Jeremiah and Thomas Tabor of Bradford, Orange county, Vermont, had land on the west bank of Indian Stream;[35] on July 12 James Heath sells his holding of eighty-five acres at the mouth of the Stream to Daniel Rogers of Newbury, Vermont, who is a citizen on the roll of 1832;[36] on August 21 Heath acquires lot 4;[37] on November 1 David Tyler deeds to John Haynes one hundred acres (lot 9) earned by settler's duty, and sixty acres adjoining acquired from Ladd.[38] According to the Fergusson history the arrivals during this year were Emer Applebee, Moody Bedel, Samuel Danforth, Rufus Brockway, David Eaton, J. T. Boynton, Zebulon Flanders, and Enoch Carr.[39] There is record of a proprietors' meeting on October 25, 1819.[40]

In 1820, on September 27, Simeon Wright, late of Bradford, Vermont, acquired of James Heath, now of district of Three Rivers, Lower Canada, land described as lot 4, bounded on the south by Connecticut river and on the west by Abner Hyland's estate.[41] The Fergusson history states that Joshua Parker arrived this year and settled in the Lake District, with Abial Holt, Noah Fletcher, Archelaus Cummings, Seth Blood, and Burleigh Blood, all from Temple. Paul Tabor, Jeremiah Tabor, and Elisha Tabor settled on Indian Stream. Simeon Wright, Moses Thurston, Southwood Sibley, Richard Blanchard, Josiah Rogers, David Mitchell, John L. Haynes, and Jeremy George were other arrivals.[42]

On April 1, 1821, Royal Gage of St. Johnsbury, Vermont, deeded to Moses Thurston of the town of Liberty, in Indian Stream Territory, the one hundred acres Gage pitched upon in 1812;[43] and David and

Damon Smith pitched upon one hundred acres.[44] The names of Sylvester Hutchins, Reuben Sawyer, and Jonathan Hartwell are recorded in the Fergusson history.[44a]

In 1822 Daniel Harris made a pitch, of location unknown.[45] During this year, according to the Fergusson history, John Parker, John Parsons, Elisha Abbott, Peter Barnes, and Jonathan French were among the arrivals.[46]

In 1823 Seth and Burleigh Blood "pitched and began work on the meadow lot, so-called," near the Connecticut lake."[47] Sampson Rowell and Eben and Silas Getchell came this year.[47a]

In 1824 the following transfers are recorded: July 9, John Haynes to David Eaton, a farm of two hundred acres;[48] October 23, Richard Quimby to Rufus Brockway, both of Indian Stream, two hundred acres;[49] October 25, Rufus Brockway to David and Amos Tyler of Waterford, Vermont, land for $350;[50] Daniel Harris to J. T. Boynton, the pitch he made in 1822.[51] Samuel Higgins, Britton Cook, and Ephraim C. Aldrich also came this year.[51a]

In 1825 Boynton transfers the Harris pitch to Alpheus Hutchins;[52] and Zaccheus Clough clears two acres on a pitch on a lot east of the Harris lot.[53]

On July 1, 1826, Alanson Cummings of Temple, who becomes a prominent member of the community, has land of Langdon Haynes of Indian Stream, on the north side of Back lake at Sucker brook, on the original line run by Abial Holt;[54] on July 10 Archelaus Cummings has the hundred acres which John Haynes acquired by settler's duty in 1818.[55]

On June 8, 1827, Enos Rowell deeds to Archelaus Cummings, both of Indian Stream, two hundred acres.[56] Luther Parker arrived during this year, and its inventory for taxes is preserved.[57]

On October 21, 1828, Ira C. Bowen deeds to John Tyler, both of Indian Stream, the land that David and Amos Tyler had purchased of Rufus Brockway, west of and adjoining land of General Moody Bedel.[58] This was near the Lake Settlement.

On June 1, 1829, Nathaniel Snow pitched on a gore of land bounded on the east by Seth Blood, on the south by Benjamin Fletcher, and on the west by Abial Holt, also in the Lake Settlement.[59]

The data of 1830 which seem to bear on the coming or going of settlers are as follows: on November 18 Justice B. Davis and Phineas Willard, both of Indian Stream, enter into an agreement;[60] on November 18 Willard deeds to Davis land pitched on by Jedediah Butten, sold by Butten to Ebenezer Fletcher, and by him to Willard;[61] on December 20 Joshua Parker deeds to Zebedee Thayer of Bethlehem, New Hampshire, ninety-seven acres at Connecticut lake,[62] and on the same date Zebedee Thayer, this time called of Indian Stream, deeds the same property to Levi Thayer of Franconia, Grafton county.[63]

In 1831 there are the following: on January 22, Samuel Osborn deeds to John Haynes, both of Indian Stream, for $10, the south end of lot 8, ten acres, bounded on the west by Ebenezer Fletcher's mill lot, and taking in the whole width of the lot on Connecticut river, with mill privileges;[64] on February 22 Clark J. Haynes deeds land to George W. Bunnell, both of Indian Stream, for $150;[65] on July 19 Southwood Sibley deeds eighty acres and twenty rods to Samuel Danforth 2d;[66] on September 17 the same land, which is on the Connecticut river, goes to David Rowell of Indian Stream;[67] on November 26 Jeremiah Tabor deeds land to Enoch Carr, both of Indian Stream, for $400.[68]

The process of Indian Stream settlement up to 1832, when the formal organization of Indian Stream Terri-

tory took place, is fairly well described by these notes. Before passing to the story of government in the community we may point out one or two interesting facts.

In the first place, the War of 1812 seems to have made no serious interruption in the slow but sure populating of the place. Again, though there is some little evidence in the deeds as to the uncertain status of the region caused by the unsettled boundary, we are not left with the impression that the community was not law-abiding and orderly.

Still further, the fact is noticeable that up to about 1820 the permanent settlers were for the greater part located on both sides of the lower Indian Stream and on the Connecticut river near their confluence. This is what might be expected, for this district is not only the part of the valley first approached from the south, but is richer in fine meadow lands than any other part. The visitor who ascends the Connecticut from Stewartstown and Canaan today is enraptured at first sight of the valley about the confluence, where are situated some of the most beautiful homes in America.

By 1820, according to the usual account, there were in the Indian Stream country about forty settlers and their families. In 1824 the state commission which visited the region to investigate reported fifty-eight families, a population of two hundred and eighty-five, and eight hundred and forty-seven acres of improved lands, out of a total area of one hundred and fifty thousand acres. The average value per acre, which they estimated at $5.00, was excessive, if we take the deed prices as a guide.[69]

In the years following 1820 the Indian Stream civilization spread toward the upper Connecticut valley, and the Lake Settlement came into existence. The political center at length formed itself midway between the Lake Settlement and the confluence of the Connecticut and Indian Stream, at a point near the mouth of

Back Lake brook, where stands the present village of Pittsburg.

We may consider now the process by which Indian Stream developed into a commonwealth.

NOTES

[1] 2, pp. 8, 41.
[2] 3, p. 16.
[3] 3, p. 16.
[4] 2, p. 24.
[5] 2, p. 45.
[6] Report of Indian Stream Com., p. 203.
[7] 2, p. 16.
[8] 2, p. 23
[9] 2, pp. 13, 14, 12, 33.
[10] 2, p. 18.
[11] 3, pp. 4, 5,
[12] 3, p. 6.
[13] 3, p. 19.
[14] C, p. 227.
[15] 2, pp. 14, 12.
[16] 2, p. 14.
[17] Hist. Coös County (W. A. Fergusson & Co., Syracuse, 1888), p. 702.
[18] 2, p. 33.
[19] 2, p. 28.
[20] 2, p. 35.
[21] 3, p. 1.
[22] 3, pp. 4, 9.
[23] 2, p. 18.
[24] 2, p. 7.
[25] 2, p. 17.
[26] 2, p. 26.
[26a] Coös Co., p. 702.
[27] 2, p. 29.
[28] 3, p. 18.
[29] Hist. Coös Co., p. 703.
[30] 3, p. 20.
[31] 2, p. 22.
[32] C, p. 222.
[33] 3, p. 20.
[34] 3, p. 21.
[35] 3, p. 3.
[36] 3, p. 17.
[37] 3, p. 14.
[38] 3, p. 35.
[39] Hist. Coös Co., p. 703.
[40] 2, p. 39.
[41] 3, p. 15.
[42] Hist. Coös Co., p. 703.
[43] 3, p. 22.
[44] C, p. 312.
[44a] Hist. Coös Co., p. 703.
[45] 3, p. 35.
[46] Hist. Coös Co., p. 703.
[47] 4, p. 7.
[47a] Hist. Coös Co., p. 703.
[48] 3, p. 29.
[49] C, p. 240.
[50] C, p. 230.
[51] 3, p. 35.
[51a] Hist. Coös Co., p. 703.
[52] 3, p. 35.
[53] C, p. 232.
[54] 3, p. 30.
[55] 3, p. 30.
[56] C, p. 314.
[57] 4, p. 8.
[58] C, p. 224.
[59] C, p. 250.
[60] C, p. 237.
[61] C, p. 232.
[62] C, p. 225.
[63] C, p. 242.
[64] C, p. 251.
[65] C, p. 236.
[66] C, p. 226.
[67] C, p. 246.
[68] C, p. 233.
[69] Hist. Coös Co., p. 703.

CHAPTER 4

Indian Stream Proprietary Administration

The character and scope of administration in the Indian Stream country prior to 1827 must be judged of almost entirely from the evidence of real estate transfers, and from certain minutes of proprietors' meetings which fortunately have been preserved.

An instrument of December 19, 1812, will serve to indicate the existence of definite rules governing the settlement of land. It refers to "common and undivided land in the aforesaid tract, together with the proprietors' right of pitching said land agreeable to the regulations and votes of said proprietors, as by their records may fully appear, not infringing on any pitch or settlement already made, or that may be made hereafter, before the said Gage, his heirs or assigns, shall have pitched or made settlement, with allowances for highways, which pitches are to be made agreeable to the rules and regulations and votes of said proprietors, otherwise to take proprietors' allotment."[1]

This may be interpreted to mean that anyone who acquired rights to common and undivided lands might pitch upon or sell the right to pitch upon any unoccupied lot, and acquire title up to the amount of his holding.

The meager minutes of the proprietors' meetings are here of interest. They are as follows:

Bedel's & Others' Grant, September 16th, 1811.

At a meeting of the proprietors of said grant, duly notified and holden agreeable to advertisement at the house of David Tyler.

Present, Moody Bedel, who claims 1-3 of the whole grant, except 1400 acres.

David Gibbs, who claims 1-3 of the whole grant.

James Ladd, who claims 1-12 of the whole grant, except 3000 acres, under Nathaniel Wales.

John M. Tillotson, who claims 1-12 and 1-24 of the whole grant under Nathaniel Wales.

John Rowe, who claims 1-12 and as Atty. 1-24 under said Wales, except 1500 acres.

Nathaniel Perkins, who claims two hundred acres under Nathaniel Wales.

William Morrison, who claims 250 acres under said Wales.

John Haynes, who claims 2000 acres under said Wales.

William Quimby, who claims 600 acres under said Wales.

Matthew Greeley, who claims 1000 acres under Moody Bedel.

Samuel Osborn, who claims 185 acres under Nathaniel Wales.

Said meeting being opened, proceeded.

Voted to adjourn this meeting till to-morrow morning at nine of the clock, then to meet at this place.

It was accordingly adjourned.

Pr. Moody Bedel, *Moderator.*
Timothy Bedel, *Clerk.*

17th Sept., 1811.

Meeting opened according to adjournment. Pr. Moody Bedel, Moderator. Timothy Bedel, Clerk.

Having had the request of a number of settlers, which is as follows, viz.: We, the subscribers, settlers, and persons who have pitched and made some beginnings by labouring on our said pitches made on Bedel's Grant under the proprietors thereof, hereby request that the said proprietors confirm us in the peaceable possession of our said pitches, respectively, in such way and under such restrictions as they may think proper. Dated Sept. 16th, 1811.

Signed (here follow the names already recited on p. 23.)

Voted that the above or foregoing named persons be quieted in their several and respective pitches of one hundred acres each, if so much there be, and pitches hereafter made to the number of forty, including the above, shall hold their pitches of one hundred acres each by doing duty of settlers, which is to clear five acres of land, and produce a certificate from John Rowe that the duty as aforesaid is done, and lodge the same with the proprietors' clerk, and agree to make a road or highway through their pitch or lot whenever laid out by the proprietors, and thereto requested, and the proprietors may pitch by doing as aforesaid at any time till a

draft takes place, and hold their pitches in severalty, said pitches or lots to be laid out under the direction of the committee for laying out the town of Liberty, which pitches as aforesaid must be done within one year from this date.

Bedel's and Associates' Grant, Novr. 7th, 1815.

At a legal meeting of said proprietors of said grant duly holden by adjournment at the dwelling-house of David Tyler. Present—

Article 3rd. Voted to confirm the doings of their former meeting of Sept. 16, 1811.

Article 4. Chose Nathaniel Perkins to serve as one of the Committee to fill the place of John Rowe, absent.

Article 5th. Voted to give all persons who have made actual pitches according to their vote of Sept. 17th, 1811, one year from this day to perform the duty of settlers as therein requested, and that all certificates concerning the same signed by Nathaniel Perkins shall be good, and voted as if given by John Rowe as therein requested.

Bedel's and Others' Grant, Monday, 27th October, 1817.

Present. Nathaniel Perkins, Moderator.

John Haynes, Pro(prietors') Clerk.

John Haynes, of said grant, exhibited the following certificate or adjustment: 2d Novr., 1816. I hereby certify that John Haynes has cleared more than five acres of land on a meadow lot of land situated in Bedel's Grant (so-called). Said lot of (land) lies on the westerly side of Connecticut River in a bow of said river and below the streats (so-called) not far from the middle of Dade Water, and adjoins southerly on land known as the Palmer lot. Nathaniel Perkins, Pro[prietors'] Committee.

Voted that the foregoing certificate be laid over till the next meeting of said proprietors.

Bedel's and Others' Grant, Ss., 26th Octr., 1818.

Met according to adjournment at the dwelling-house of Abner Hyland, resident in this place. Present—Nathaniel Perkins, Moderator. John Haynes, Pro. Clerk.

Took up, read, and considered the certificate of Nathaniel Perkins, Proprietors' Committee, certifying that John Haynes had cleared more than five acres of land on a certain lot of land therein described and exhibited by said John Haynes to said proprietors at their last meeting and voted to be laid over to the present meeting of said

proprietors, and after due consideration, voted that for and in consideration of the said John Haynes clearing said five acres of land or more as mentioned in said certificate, doing duties on said grant, &c., to give and grant to him, the said John Haynes, his heirs and assigns forever the following tract or parcel of land, situate in said grant, bounded as follows (viz.): beginning at a turn of said river about six or eight rods above the mouth of the Gage Brook (so-called), thence following up said river as it now runs a sufficient distance to make the distance from the bound begun at on a straight line one half mile, thence running north one hundred rods, thence west one half mile, then running south to the first mentioned bound, meaning to contain one hundred acres, with the allowance for highways.

These extracts were made and recorded for the sake of John Haynes's claim to the land in question.[2]

Another record of proprietors' business is as follows:

An assessment of a tax of five mills on each acre of land laying in common in Bedel's and Others' Grant of lands lying north of the forty-fifth degree of north latitude, supposed to contain one hundred and sixty thousand acres, made agreeable to vote of the proprietors at a proprietors' meeting held Septr. 1811, also Novm., 1815, to raise money to make roads and surveys in said grant.

No. Acres	Proprietors' Names	Amt. of Tax
53,333	Moody Bedel	$266.66
47,333	David Gibbs	236.66
13,333	John M. Tillotson	66.66
13,333	for Thomas Cutts	66.66
100	Enoch Emery	.50
11,000	David Barnett	55.00
4,000	Abner Hyland	20.00
1,400	John Haynes	7.00
1,000	James Heath	5.00
10,333	the heirs of James Ladd	51.66
500	Nathaniel Perkins	2.50
1,000	Dudley Carleton	5.00
300	Abel Bennett	1.50
250	William Morrison	1.25
600	William Quimby	3.00
5,233	the heirs of Jas. Treadway	26.16

No. Acres	Proprietors' Names	Amt. of Tax
500	Daniel Heath	2.50
200	Daniel Barnes	1.00
2,600	Ebenezer Fletcher	13.00
1,000	William K. Smith	5.00
500	Mary L. Ladd	2.50
500	Betsey G. Ladd	2.50
100	John Cogswell	.50
1,000	James Turner	5.00
		$847.21

Amounting to eight hundred forty-seven dollars and twenty-one cents.

Oct. 25, 1819.

JOHN M. TILLOTSON, *Assessor.*

UNITED STATES OF AMERICA, BEDEL & OTHERS' GRANT,
October 25, 1819.

To Nathaniel Perkins, Collector, Greeting: You are hereby authorized and required to collect and pay over the several sums set to each person's name on or before the third Tuesday of June next to the treasurer of said grant, agreeable to the laws now in force.

Given under our hand and seal the day and year above.

JOHN M. TILLOTSON, *Assessor.*
JOHN HAYNES, *Props. Clerk.*[3]

Whether this assessment was levied in 1811 and 1815 cannot be ascertained. Perhaps the inference is not unwarranted that the collection of the assessment as voted in 1811 and 1815 had proved undesirable or impossible, and that the above minutes represent a still further attempt to encourage settlement by the improving of the highways and the laying out of lands.

During the years 1820–1822, probably as a consequence of this assessment, two surveyors, Moses Davis and Jonathan Eastman, were employed by the proprietors' association to mark out ten thousand acres of land in lots of one hundred and two hundred acres, which were

then offered in alternate holdings to those who should do settlers' duty, the nature of such duty no doubt being the same as that described in the above minutes of the proprietors' meeting of September 17, 1811. The land thus laid out was probably in the region farther upstream, near and including the Lake District, for the land transfers from 1820 on, as we have seen (pp. 25–27), indicate the settlement of that neighborhood.

In June, 1824, the legislature of New Hampshire had its attention called to the settlements at Indian Stream, which were encroachments on lands claimed by the state as public domain, being north of forty-five degrees. A commission was appointed to investigate, and made due report. The state repudiated the claims of the proprietors advanced on the basis of the deed of the Indian, Philip, but, in consideration of labor performed and hardships endured, quieted the settlers in the amount of two hundred acres each, except Nathaniel Perkins and Jeremiah Tabor, who were allowed to hold seven hundred each.[4] All other portions of land the state reserved for itself.[5]

NOTES

[1] 3, p. 4.

[2] 3, pp. 19–21.

[3] 2, p. 39.

[4] Aldrich, p. 379; Hist. Coös Co. p. 707.

[5] Coolidge and Mansfield, Hist. and Descr. of New England, p. 390.

CHAPTER 5

Indian Stream Democracy

The action of the state of New Hampshire in 1824 had little or no effect upon the manner of administration in the Indian Stream country, though it made for stability in the affairs of the community. The government of the district continued to be in the hands of its inhabitants, and the state seems to have paid almost no attention for a period of ten years to the territory it had claimed. Whatever change took place in its control was due to growth in population and change in the personnel of the property holders, rather than to interference from outside authority.

That an association of proprietors still continued to exist is proven by the occurrence of the signature of John Haynes, proprietors' clerk, up to March 5, 1832, when John A. Mitchell is voted clerk, and given also the duties of recorder of deeds. The above signature of John Haynes, with occasional variations—"Clerk," "Clerk of said Grant," "Clerk of said Territory," "Register of Deeds,"—begins on November 7, 1815, and is interrupted only from September 27, 1827, to November 23, 1828, when the signature of "David Mitchell, Clerk," appears, and on February 24, 1831, when the name of Reuben Sawyer appears for a single time.[1]

It seems probable that, with the interference of the state and the consequent diminution of proprietary right on the part of holders of common and undivided land, the association of proprietors on the old basis of mere claim to shares in the common estate changed

into an association of proprietors by right of actual settlement and possession of land with definite bounds. The new proprietary body would naturally consist at first of those settlers who had been quieted by the state, and would not differ very greatly from the old, as most of the former proprietary body had been resident. The new association of proprietors was therefore equivalent to an association of all the citizens of Indian Stream into a commonwealth. Changes in it or additions to it might occur by reason of transfer of land and the pitching of new land.

Land transfers continued, as we have seen, and pitches were also made. The improvement of two acres by Zaccheus Clough in 1825 no doubt had to do with a pitch;[2] and Nathaniel Snow pitched on land in the Lake District as late as January 1, 1829.[3] In the absence of supervision, or even interest, on the part of the state or of Coös county, it is easily understood how the right of pitching and transfer in the old manner might still be recognized.

In whatever manner the Indian Stream democracy was first developed, the year 1827 affords evidence of a considerable stability of relation among the settlers. The inventory for taxes for this year still exists, and indicates a carefully conceived method of assessment and taxation, too complete to have been the first attempt at system. The first six pages of the manuscript which contains this and subsequent inventories are missing. It is likely that they contained the inventories for at least one or two preceding years, and the minutes of one or two meetings.

The following items, chosen from the inventory for taxes for 1827,[4] will serve to indicate its character, and at the same time afford some basis on which to

estimate the character of the government which lay back of it:

	Poll	Horses	Oxen	Cows	Neats	Mowing	Pasture	Tillage	
Ephraim Aldrich	1		2	1		5			$3.30
Abial Holt	1	1,3w.	2,3w.	3	4,2w.	7	5		4.10
Archelaus Cummings	1	2	2 2,4w.	6	1,3w. 4,2w.	25	10		11.20
Jonathan Hartwell	1		2	3	1,2w.	8		1	4.55

The peculiarities of this tax inventory will be more easily understood after a reading of the following "Act to establish the rate at which polls and ratable estates shall be valued in making and assessing direct and other taxes in this place." This act was not passed until March 11, 1833, but it is plainly the tradition of a scheme for assessment and taxation fully formed and in operation for at least a year previous even to 1827, as may be demonstrated by the application of the act to any one of the above names. The act reads:

"Be it enacted by the inhabitants of Indian Stream in General Assembly convened that hereafter all public taxes shall be assessed on the polls and ratable estates in manner following, namely: each male poll, from twenty-one years to seventy, except ordained ministers, paupers, and idiots, to be valued at one dollar and thirty cents. All stallions or stud horses that have been wintered three winters each, at two dollars, other horses and mares that have been wintered five winters each, at seventy cents, other horses and mares that have been wintered four winters only, each at fifty cents, other horses and mares that have been wintered three winters only, each at thirty cents, other horses and mares that have been wintered two winters only, at ten cents each. Oxen that have been wintered five winters, each at forty cents, oxen that have been wintered four winters only, each at thirty cents, cows that have been wintered four winters, each at twenty cents. All neat stock that has been wintered three winters only, each at ten cents, all neat stock

that has been wintered two winters only, each at five cents. Reckoning the winter to begin at the first day of December and to end the last day of March. Arable land, accounting so much for an acre as will produce twenty-five bushels of Indian corn, or other grain equivalent, one year with another, at twenty cents. Mowing land, accounting so much for an acre as will produce one ton of English hay, or other equivalent, one year with another, at twenty cents. Pasture land, accounting so much for an acre as will keep one cow, one year with another, four acres, each acre at five cents. Mills, distilleries, and other buildings to be estimated at half of one per cent of their real value."[5]

The subjoined compilation, made from the manuscript containing the inventories for taxes, is also illuminating:

	Estates	Polls	Horses	Oxen	Cows	Neats	Mowing	Pasture	Tillage	Buildings	Taxes
1827	62	51	11	48	84	62	341	94.5	1		$183.83
1828	68	56	18	44	102	135	524	237	57	57	293.93
1829	75	58	19	52	103	62	577	313	63	57	306.94
1832	89	79	36	55	133	146	523	319	105.5		369.34

The inventories for 1831 and 1833 are missing, and those of 1830 and 1834 are not wholly satisfactory as evidence.

The indication of a more or less stable form of government which is to be seen in these inventories is supplemented by the evidence afforded by the minutes of a meeting held on March 5, 1832. To these we shall refer later.

NOTES

[1] Proprietors' Records, passim.
[2] C, p. 232.
[3] C, p. 250.
[4] 4, p. 8.
[5] C, p. 19.

CHAPTER 6

The Parkers at Indian Stream

Joshua Parker, Jr., elder brother of Luther Parker, came to the Indian Stream country in 1820. He was then twenty-two years of age, and a veteran of the War of 1812. He was one of the earliest settlers in the Lake District, near the southwest end of First Connecticut lake, and had land to the amount of ninety-seven acres, described as follows:

". . . land situated at Indian Stream aforesaid, viz., beginning at the shore of Lake Connecticut (so-called), thence running north 25 degrees west, on the side line (?) of land of Joshua Parker, Senior, and Luther Parker, one hundred and fifty-seven rods to a birch tree, thence running seventy degrees east on the line of land of Luther Parker and Abial Holt, Senior, one hundred and fifty-eight rods to a spruce tree, thence twenty degrees west one hundred rods to the Lake shore to the bound begun at."[1]

In the absence of further evidence it is to be assumed that Joshua Parker acquired this land through performance of settler's duty on his arrival in 1820.

John Parker, mentioned by the Fergusson history as arriving in 1822, was no immediate relative of the Temple Parkers.[2] His name does not appear in the inventories for taxes, or in the citizens' roll of 1832, though in a deposition of 1836 a John Parker is mentioned as of Indian Stream and the neighborhood of Hereford, the nearest town in Canada.[3] In 1827, however, Phineas Willard of Indian Stream pays taxes for the Parker place. It may be inferred that John Parker had moved from Indian Stream soon after 1822. There is no deed containing his name. It may

also be inferred with some reason that John Parker was a descendant of Thomas Parker of Redding, through Nathaniel, Stephen, Stephen, Jr., and Caleb, soldier of the Revolution, who was born at Shrewsbury, Massachusetts, in 1760, moved to Brattleborough, Vermont, in 1785, and in 1800 went to Stukeley, one of the eastern townships of Lower Canada, where he died in 1826, the father of eight sons and three daughters.[4] John Parker might have been grandson of Caleb Parker by one of the older sons. There may also be some significance in the paying of taxes for the Parker place by Phineas Willard. Nathan Parker, son of Caleb of Stukeley, married Elizabeth Willard, daughter of Major Samuel Willard, one of the pioneers of Stukeley.[5] John Parker and Phineas Willard may have been related through this marriage, and may have come to Indian Stream together.

Joshua Parker, Sr., appears on the tax roll of 1827, and continues until 1835. He is assessed no poll tax, however, and was never resident at Indian Stream. When he acquired title is unknown. Perhaps Joshua Parker, Jr., made pitches for both at the same time in 1820. It is also possible that his land was acquired by purchase on a visit which he is known to have made to Indian Stream in 1825 or 1826, after Luther Parker had begun to teach school at Stratford, and before his marriage and removal to Indian Stream.* Again, Joshua, Jr., may have pitched for his father after the visit.

* This visit was probably in the summer or autumn, Halting at Stratford on his way to Indian Stream, Joshua Parker came to the door of the Baldwin home, and asked for a drink. He was admitted, and presently a fresh-faced girl entered the room with water. Mr. Parker looked at her for a moment, and then asked: "Are you Lettie French?" "Yes, sir," was the response. "Well," answered he, "my name is Parker—Joshua Parker. Luther

Luther Parker and Alletta French were married in February, 1827, and were established at Indian Stream early enough for his name to appear in the inventory for taxes of that year. It is probable that he had visited the place at least once before this, perhaps in the intervals of his duties at Stratford.

The holdings of the three Parkers from Temple were all in the Lake Settlement adjoining each other, and were probably all acquired through performance of settler's duty.

The land which Luther Parker originally settled on is not described further than in the description of Joshua Parker, Jr.'s, land in 1830, which shows that the latter's holding was bounded east-by-north for one hundred and fifty-seven rods by the land of Joshua Parker, Sr., and south-by-east for one hundred and fifty-eight rods by the land of Luther Parker and Abial Holt, and was near the shore of Connecticut lake.

In the inventory for taxes for 1827 the names of the Parkers appear as follows: [6]

Joshua Parker, Jr., 1 poll, 2 oxen, 2 acres of mowing	$2.10
Joshua Parker, 4 acres of mowing	.80
Luther Parker, 1 poll, 2 oxen, 3w., 1 cow, 4 acres mowing	2.50

In 1828, the inventory shows: [7]

Joshua Parker, Jr., 1 poll, 2 oxen, 5w., 2 acres mowing	$2.10
Joshua Parker, 4 acres mowing	.80
Luther Parker, 1 poll, 2 oxen, 2 cows, 7 acres mowing	3.90

The inventory for 1829 shows: [8]

Joshua Parker, Jr., 1 poll, 2 cows, 1 neat, 3w., 1 acre mowing, 2 acres of pasture, 1 person	$2.10
Joshua Parker, 4 acres mowing	.80
Luther Parker, 1 poll, 2 oxen, 2 cows, 1 neat, 3w., 10 acres mowing, 2 acres pasture, 3 persons	4.70

Parker is my son." The girl blushed with embarrassment, and ran out of the room.

Besides the fact that Joshua Parker, Sr., is non-resident, the above items show that Joshua Parker, Jr., is unmarried, and that Luther and Alletta Parker have their first child. This is Charles Durham Parker, born December 27, 1827.

The inventory for 1830 shows: [9]

Joshua Parker, Jr., 1 poll, 2 oxen, 4w., 2 cows, 3 acres mowing, 2 acres pasture.
Joshua Parker, 4 acres mowing.
Luther Parker, 13 acres mowing.

For this year neither the individual nor the total amount of taxes is recorded.

On August 24, 1830, Persis Euseba, the second child of Luther Parker, was born. On December 30 Joshua Parker, Jr., executed a deed of his ninety-seven acres to Zebedee Thayer of Bethlehem, New Hampshire, who became a resident of Indian Stream.[10]. The name of Joshua Parker, Jr., disappears from the Indian Stream tax roll from this time. One reason for his return to Temple is to be seen in the death of Edwin Parker, his younger brother, on July 7 of the same year, at the age of twenty-three, an event which left the Parker home at Temple with but one son. Another reason is to be seen in the disadvantages of the rigorous Indian Stream climate.[11]

The tax inventory for 1831 is missing. That for 1832 shows the following:[12]

Joshua Parker, 4 acres mowing..... $.65
Luther Parker, 1 poll, 1 horse, 3 cows, 1 neat, 3w., 6 acres mowing, 5 acres pasture, 1 acre tillage, stock in trade, $400 $5.41

The rate this year was eighty-two cents to the dollar. Luther Parker's stock in trade was in a store in the Lake Settlement, probably identical with his dwelling-house.

The inventory for 1833 is missing. On March 16 of this year Ellen Augusta, the third child of Luther and Alletta Parker, was born in the house at the Lake Settlement.

The tax inventory for 1834 shows: [13]

Joshua Parker, 2 acres mowing, 4 acres pasture	$.52
L. and A. Parker, 2 polls, 1 cow, mill and house, $1.25, stock in trade, $1.20	4.74
L. and A. Parker, for the Lake farm, 4 cows, 1 neat, 3w., 1 neat, 2w., 4 acres mowing, ½ acre tillage, 2 acres pasture, half house, $.15, stock in trade, $.46	1.83

The A. Parker of this inventory is Asa, younger brother of Luther, born in 1810. His arrival at Indian Stream was probably after the withdrawal of Joshua Parker, Jr.

The tax for stock in trade appears against every name on the roll for this year, and so does not necessarily have reference to merchandise for sale. In the case of the Parkers, however, it has to do with such merchandise, for we have seen that Luther Parker had stock in trade to the amount of $400 in 1832, when a like item was not set down against all names, and in 1834 he owned, in company with Asa Parker, a mill and house. The reference to a half house on the Lake farm is not clear. It is possible that the Parkers, who left the Lake Settlement at the beginning of the year, occupied only half of the Lake farm house, and let the remainder. The tax on mowed and pasture land, and on stock, shows that they operated the farm, whether continuously in residence on it or not. This would not make it impossible to operate the mill during the same year.

Luther Parker engaged in two real estate transactions in 1834. On January 14 Zebedee Thayer, who in 1830 had bought Joshua Parker, Jr.'s, ninety-seven acres at the lake, and deeded it the same day to Levi

Thayer, transferred to Luther Parker forty acres in the same Lake neighborhood, described as follows:

". . . beginning at the northeasterly corner of Abial Holt's lot, thence running on the easterly line of said Holt's to the northwesterly corner of the Benjamin Fletcher lot (so-called), thence on the northerly line of said lot to the westerly line of Seth Blood's lot, thence on the westerly line of said Blood's lot to the northwesterly corner of said Blood's lot, thence on a straight line to the northeasterly corner of said Holt's lot first mentioned, containing forty acres more or less."[14]

The second transaction concerned both Luther and Asa Parker. It took place ten days after the Thayer transfer. On the 24th of January John and Clark J. Haynes, both of Indian Stream, Esquires,

. . . "for and in consideration of four hundred dollars to us in hand before delivery hereof well and truly paid by Luther Parker and Asa Parker, both now of said Indian Stream (traders), the receipt whereof we do hereby acknowledge, have released, remissed, and quitclaimed and do by these presents hereby release, remiss, and forever quitclaim all our right, title, interest, claim, or demand we have in and unto a certain piece or parcel of land, together with the saw mill, mill saw, irons, and all the water privileges adjoining said land, described as follows (viz.), situated in said Indian Stream Territory and the bounds of the first piece or parcel beginning at the mouth of Back Lake Brook so-called, thence running up the middle of said brook about twelve and one half rods opposite to a stake and stones standing on the west side of said Brook, thence running a northeasterly course about 22 rods to a stake and stones standing on the south side of the road leading from Zebulon Flanders to Ebenezer Fletcher's, thence crossing said road and running north six degrees east nineteen rods to a stake and stones, thence west six degrees north about fifty-eight rods to a stake and stones on the line dividing the lots number eight and number nine according to Ladd's survey, thence south six degrees west on said division line to said road as noted and laid out by a committee in A. D. 1830, thence westerly following down said road on the south side thereof about sixty-four rods to the west line of said lot number eight, it being the lot on which Samuel Osborn now lives, thence south six degrees west on the line which divides said lot number

eight from Ebenezer Fletcher's land, called his mill lot, to Connecticut River, thence up said river such a course and direction as to contain and cover all the water privileges for mills and other machinery adjoining said land to the bounds begun at, meaning hereby to sell and convey twenty acres of land, exclusive of the road, ten acres off of the south end of said lot number eight, and ten acres off of the southwesterly corner of lot number nine, according to said Ladd's survey, be the same more or less, and also another piece or parcel of land containing one half acre by measure, on which Elijah Sawyer now lives and holds by purchase of said Samuel Osborn, together with the house and all the privileges and appurtenances to the same belonging."[15]

This house and mill property was located on the west side of Back Lake brook, where it flows into the Connecticut river, about seventy-five rods to the north of where the present post office of Pittsburg stands. Still farther down the Connecticut was Fletcher's mill, and the half mile or so between the Fletcher and Parker places, occupied now by Pittsburg, was the center of interest for Indian Stream during the two years and some months of Luther Parker's residence there.

To become acquainted with the circumstances which make these years important, it will be necessary to return to March 5, 1832.

NOTES

[1] C, p. 225.

[2] Hist. Coös Co., p. 703.

[3] Report of Indian Stream Com., pp. 226–229.

[4] Something about the Ancestors of Captain Caleb Parker. Detroit: Wm. Graham's Steam Presses, 1877.

[5] *Ibid.*

[6] 4, p. 8.

[7] 4, p. 10.

[8] 4, p. 18.

[9] 4, p. 22.

[10] C, p. 225.

[11] Joshua Parker, Jr.'s, field of oats ripened one year about the

last of September, and was covered by a snowstorm before he could harvest it.

[12] 4, p. 24.

[13] 4, p. 36.

[14] C, p. 289.

[15] C, pp. 291–292.

CHAPTER 7

Indian Stream Territory, U. S. A.

The minutes of the meeting of March 5, 1832, are as follows:

Indian Stream Territory, alias Bedel's Grant, March 5, 1832.

The inhabitants of said Territory met agreeable to notice.

Opened meeting by reading warrant by the Clerk.

1st, Chose David Mitchell Moderator.

John Haynes, Clerk.

2nd, Chose John A. Mitchell Clerk.

3rd, Voted to adjourn this meeting for half an hour.

The meeting was opened according to adjournment.

4th, Voted that the inhabitants on the west side of Indian Stream be considered as legal voters as formerly until some other regulation take place.

5th, Voted to proceed to the choice of judges.

6th, Voted to reconsider the vote to proceed to the choice of judges.

7th, Voted to proceed to the choice of judges.

8th, Chose Mr. Abner Hyland first judge.

9th, Chose Mr. Burleigh Blood second judge.

10th, Chose Mr. Clark J. Haynes third judge.

11th, Voted to proceed to the choice of a sheriff.

12th, Chose Mr. Herman Bachelder for sheriff.

13th, Voted to choose in each highway district one man to superintend at funerals and act as sexton.

14th, Chose Mr. Luther Parker in the district at the Lake.

15th, Chose Mr. David Mitchell in the next district.

16th, Chose Mr. Reuben Sawyer in the next district.

17th, Chose Mr. Clark J. Haynes in the next district.

18th, Chose Elijah C. Sawyer in the next district.

19th, Chose Abner Hyland in the next district.

20th, Chose Jeremy George in the next district.

21st, Chose John A. Mitchell to take acknowledgment of deeds.

22nd, Voted that the clerk be recorder of deeds.

23rd, Voted to choose three men as fence viewers.

24th, Chose Mr. Burleigh Blood first.

25th, Chose Mr. Jonathan Hartwell second.

26th, Chose Mr. Nathan Judd third.

27th, Voted to choose a committee of three to see what shall be done with regard to paying duties on property carried out of this place.

28th, Chose Mr. Luther Parker, Mr. Clark J. Haynes, and Nathan Judd for said committee.

29th, Voted to raise taxes in the usual way.

30th, Voted to raise three hundred dollars highway tax.

31st, Voted that each able-bodied man be allowed one dollar a day for each day's work done from the first day of June to the first day of September.

32rd, Voted that before and after said time 50 cents a day only be allowed.

33rd, Chose Luther Parker
34th, " John A. Mitchell } Assessors of taxes.
35th, " Ross Haynes

36th, " Nathan Judd highway surveyor of district no. 1.
37th, " Simeon Wright " " " " no. 2.
38th, " Sampson Rowell " " " " no. 3.
39th, " Reuben Sawyer " " " " no. 4.
40th, " Simon Danforth " " " " no. 5.
41st, " Edmund Heath " " " " no. 6.
42nd, " Luther Parker " " " " no. 7.
43rd, " Jonathan French " " " " no. 8.

44th, Voted to choose a committee of six to adopt some measure to prevent people from cheating, lying, and swindling people out of their property.

45th, Chose Sampson Rowell, Elijah C. Sawyer, Reuben Sawyer, John Haynes, Esq., Jonathan Hartwell, Phinehas Willard for said committee.

46th, The above committee report that they do not find it expedient for them to act on the above named business, but refer it to the judges.

47th, The committee chosen to see what should be done with respect to paying duties carried out of this place reported, to form a society, &c.

48th, Voted that the report of the committee be accepted.

49th, Voted that any person wishing to be married can be published by the clerk and married by any ordained minister.

50th, Voted that the judges or any one of them has the power to administer oaths to witnesses in any case brought before them.

51st, Voted to dissolve this meeting, and it was accordingly dissolved.

JOHN A. MITCHELL, *Clerk.*[1]

As we have already stated, these minutes supplement the evidence of the inventories for taxes in demonstrating the existence of a form of government at Indian Stream prior to 1832. Their reference to the continuation of the voting privilege on the part of those residing to the west of Indian Stream, to the raising of taxes "in the usual way," and to the raising of three hundred dollars highway tax—all this indicates that we are dealing with an assembly which is not acting without precedent, whether established by an assembly of identical character and composition, or one of less formal nature. Arguing from the known custom of meeting from this time forward annually on the first Monday in March, perhaps we may infer that annual meetings had already become established.

But the minutes indicate also something of the spirit of unrest and innovation. The vote to choose superintendents of funerals, to see about "paying duties," to fix the wage of men who should work for the community, to choose highway surveyors, and perhaps the vote to choose judges and sheriff, seem to say that an attempt was on foot to tighten the hitherto loose bonds of organization and administration. The community had now seventy-nine polls, according to the tax roll, and there was a certain degree of discontent caused by conditions both internal and external.

Two or three sources of dissatisfaction are definitely referred to in the minutes. The election of the "fence viewers" indicates a common cause of trouble. The vote to choose a committee to "adopt some measure

to prevent people from cheating, lying, and swindling people out of their property" needs, of course, no comment. The following little preamble to an agreement entered into on February 11, less than a month before, between Justice B. Davis and Phineas Willard, "Whereas, there is no law in this place for the collection of debts, except we are a law unto ourselves, I, the subscriber, therefore volunteer freely, and of my own accord agree and promise, etc.,"—is an indication of the same source of trouble.[2]

The assumption usual in regard to border settlements, however, should not be too readily made in the case of Indian Stream. The conclusion that the region was a haven for the lawless and indebted, who trusted in the ambiguity of its location for protection against legal authority, is unwarranted by its history. Indian Stream had its disorders, but nothing is more certain, in the light of the record of their activities, than that the great majority of the settlers were men of good character, serious purpose, common sense, and no mean degree of ability. The amount of lawlessness from which the community suffered was probably the minimum, and the serious attitude assumed toward it was due to the natural Anglo-Saxon desire to enjoy perfect system.

There were, however, external as well as internal sources of unrest. So far we have barely alluded to them, but our narrative calls now for fuller mention.

The external sources of trouble had their origin in the disputed identity of the Indian Stream country. Prior to the Ashburton treaty in 1842, while it was for the greater part of the time assumed that the district was within the bounds of the United States, there was always a greater or less degree of ambiguity regarding its status.

GENEALOGICAL SOCIETY
OF UTAH
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The treaty of 1783 defined the boundary between the United States and the Dominion of Canada as extending "along the said highlands which divide the rivers that empty themselves in the River St. Lawrence from those that fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River, thence down the middle of that river to the 45th degree of north latitude; thence by a line due west . . ."

As the upper Connecticut valley was at that time remote from civilization and inhabited only by Indians, it is probable that the framers of the treaty were not well enough acquainted with its physiography to realize that their phrase contained a contradiction. The fact is that at the end of the highland bound mentioned it is the head of Hall's Stream which is the continuation of the intended boundary line, and not the Connecticut, whose headwaters are aside from it to the southwest.

The issue, therefore, was as to whether the intent of the Treaty of 1783 was to be regarded, or its wording. The Americans held to the manifest intent, and claimed Hall's Stream as the boundary; the British held as strongly for the wording, and claimed the Connecticut river as the line.

In 1789 Jeremiah Eames of Stewartstown, and others, surveyed the headwaters of the region, and ran the boundary line from near the pond at the source of the Connecticut westward across the head of Indian Stream to the head of Hall's Stream, and thence down that stream to the 45th parallel. Colonel Eames and his party were acting under a state commission.[3] For all the time up to 1834 the connection of the district was mainly with New Hampshire, so far as legal relations were concerned; its inhabitants went to New Hampshire for their bounties, were married under New Hampshire laws, and were from time to time subjected to the serving of New Hampshire process.[4]

The ambiguity of the boundary, however, was never forgotten. Both governments were conscious of it in 1800, and in 1814 the Treaty of Ghent was cognizant of it. In 1819 an attempt to reach a solution of the difficulty by means of Canadian and American commissioners resulted in nothing. In 1827 the question was submitted for arbitration to the King of the Netherlands, who recognized the British claim; but the Americans still held for the highland bound and Hall's Stream, and practically disregarded the award of 1827.[5] The state of New Hampshire, which had occasionally served process through the deputies of Coös county—there is evidence of such action as early as about 1806, and for 1808 or soon after, for 1817, and on up to 1827[6]—continued to assert jurisdiction in the same way. We have seen that in 1824 she repudiated the claim of the proprietors on the basis of the deed of Philip, and quieted the settlers.

But the Indian Stream country had never been without those who wished to be, or even claimed to be, independent both of Canada and the United States. As early as 1807 there was a petition before the legislature praying the state to relinquish its claim to the territory, which was, of course, refused.[7] For reasons not hard to understand the proprietors were not anxious for the state to interfere, especially after the action of 1824; and there were not a few settlers who had reasons, also not hard to understand, for not wishing to be under regularly constituted authority.

The spirit of independence begotten by the ambiguous boundary line was fostered by it. Again and again the Coös county deputies met with evasion and resistance on their missions to Indian Stream. At least by 1830 resistance to New Hampshire had been erected into a principle held by the greater number of the inhab-

itants. Until the boundary question was settled, they asserted, they were a territory independent of any jurisdiction but their own. They might, indeed, belong to the United States, but not to New Hampshire.

But the state of independence had its disadvantages. In 1831 the Federal officers of New Hampshire and Vermont, taking the Indian Stream people at their word, assumed that they were outside of the United States, and levied customs duties on their goods as they entered the states. The Indian Stream frame of mind at this unexpected development is reflected in the above recited minute of March 5, 1832, recording the vote to "choose a committee of three to see what shall be done with regard to paying duties on goods carried out of this place", and in the minute recording their recommendation to "form a society, etc."

There was a still more serious external relation to deal with than this, however. This was the relation with Canada. Canadian assertions to authority seem to have been negligible up to shortly after the award of 1827; at least, Canada made no actual attempt at jurisdiction. No doubt the people of Indian Stream felt that if the state of New Hampshire left them in peace their problem was practically solved.

But with the award of the King of the Netherlands there came a change in the attitude of the northern neighbor. From about this time, according to unanimous agreement, Alexander Rea, a Canadian justice residing at Hereford, not many miles from Hall's Stream, began to insist on the right of Great Britain.[8] In 1831 it is said that the Canadian government even exacted the performance of military duty on the part of certain of the Indian Stream citizens.

This was in the same year that the Federal officers collected duties on their goods, and it is quite natural

to suppose that both circumstances were in no slight measure destructive of Indian Stream peace of mind. In the excitement caused by them we may see one of the chief causes of the meeting of March 5, 1832, and the consequent steps toward absolutely independent government.

For the movement toward self-government did not stop with March 5. Impelled by threatened trouble from both sides and from within, and also inspired by an absorbing interest in their experiment, they followed up the March meeting with another in June.

The minutes of the June meeting are as follows:

INDIAN STREAM TERRITORY, June 11th, 1832.

The inha(bitants of Indian Stream) met agree(able to notice and opened) meeting by the clerk's reading the (warrant).

Article 1st, Chose Mr. David Mitchell Moderator.

Article 2nd, Voted to adjourn this meeting for the (space of one) hour. The meeting (was opened according) to adjournment.

Article 3rd, Voted to make and mant..... Bill of Rights, etc.

Article 4th, Voted to choose a commi(ttee and that the com)mittee be required to draft constitution for the inhabit(ants of Indian Stream) and report as soon as con(venient.....) of laws for the government (of said Indian Stream) Territory as they deem neces(sary for the preservation of) order and peace in society till (such time as the) boundary line is established between the Province of Lower Canada and (the United States.)

5th Chose David Mitchell. } Committee.
" Luther Parker
" Phinehas Willard
" Herman Batchelder
" Nathan Judd

6th, Voted that the above committee be authorized to direct the clerk to call a meeting to hear their report when they think it expedient.

7th, Voted to dissolve this meeting, and it was dissolved accordingly.

JOHN A. MITCHELL, *Clerk.*[9]

The committee thus chosen duly finished its labors, and in the following month presented its report.

The meeting was called on July 9, 1832, and its minutes are as follows:

INDIAN STREAM TERRITORY SS., July 9, 1832.

The inhabitants who are legal voters of said territory met agreeable to notice and opened the meeting by the Clerk reading the warrant and voted to adjourn the meeting 30 minutes. The meeting was opened according to adjournment and chose David Mitchell Moderator. Then the committee chosen at a special meeting held June 11, 1832, to draft a constitution, etc., consisting of Messrs. David Mitchell, Luther Parker, Phineas Willard, Herman Bachelder, and Nathan Judd, made their report. When a vote was passed to adjourn 15 minutes, the meeting was opened according to adjournment, and the following Constitution was adopted.[10]

NOTES

[1] 4, pp. 17, 23.

[2] C, p. 237.

[3] Report of Indian Stream Com., p. 193 f.

[4] *Ibid*, pp. 205, 209, ff.

[5] Aldrich, 379.

[6] Report of Indian Stream Com., pp. 203, 205, 217.

[7] *Ibid*, p. 217.

[8] Report of Indian Stream Com., p. 207 and passim.

[9] 4, p. 27. The upper corner of the leaf is missing.

[10] 4, p. 28, and C, p. 1. I know of no basis for the statement in Bacon, The Connecticut River, and the Fergusson history that the Indian Stream government was formed in 1829.

CHAPTER 8

The Indian Stream Constitution

Preamble

Whereas we the inhabitants of the tract of land situated between Hall's Stream and the stream issueing from Lake Connecticut being the disputed tract of country near the head of Connecticut River which is claimed by the United States and Great Britain respectively and generally known by the name of Indian Stream and whereas we are deprived of the protection of the Laws of any Government but that of our own until such time as the Boundary line between the two Governments shall be established, and the time in which that will take place is to us unknown, and whereas it is our ardent desire to live in peace, Harmony and good order & considering that these great and good objects cannot be fully enjoyed without some wholesome rules, regulations, or code of laws, and considering it the unalienable right of all people situated as we are wherever in the course of providence their lot is cast, and a priviledge which they are in duty bound to improve to strive by all laudable means to take and adopt such measures as shall be best calculated to promote peace and good order in society among themselves while in their present state as well as to prepare them for useful citizens should they hereafter become a constituent part of some other government and whereas it has been the custom of the inhabitants of this place to meet from time to time & pass such votes and by laws as they deemed necessary for their regulation and support of order without annexing penalties to enforce them, and as the population and improvements have considerably increased and considering the great importance of making provision for the benefit of the rising generation, of adopting and enforcing Laws on a more permanent Basis for the support of schools and other public improvements and maintaning & supporting good order in society, And believing the time has now arrived when we must as a body politick make and enforce Laws sufficient to protect and defend the different members of the community and redress the grievances and adjust the disputes and controversies which occasionally arise among them or they will assume the right of individually redressing their own grievances and avenging their own injuries, and considering the power of

self-love in prejudicing the mind where the individuals are interested and act under the impulse of passion, we believe that if the different members of society are permitted to become their own avengers they would commit great injustice and become aggressors, that retaliation would produce fresh injuries, & call into action the worst passions of the heart, which would throw our society into a state of Anarchy & confusion, which would destroy all the peace happiness and pleasant prospects we have heretofore enjoyed—

Therefore we the inhabitants of Indian Stream territory being assembled in general meeting and having considered our situation & circumstances with all the impartiality and candour which we are capable of exercising, feel a full conviction that under existing circumstances we cannot apply to any government for protection with any probability of success—But by the agreement between the United States & Great Britain that neither party should exercise jurisdiction over the disputed Territory we are left to our own resources for preserving order in society without any probability of receiving any assistance from either government, or any change in our circumstances till the boundary line is established, we therefore believe that while it is unknown to what Government we owe allegiance we possess full right and imperative necessity requires that we should adopt some form of Government which will secure the rights, happiness, and prosperity of the people who inhabit this Territory and feel confident by so doing we shall promote the interest and secure the approbation of the Government to which we shall eventually belong—

Therefore resolved that to preserve union among ourselves, establish Justice, ensure domestic tranquility provide for our common security and defence and secure the important Blessings of civilized society, We do ordain and establish this Constitution and the principles of Government therein contained for our future guide and direction in forming and enforcing Laws for the government of the territory of Indian Stream.

Constitution of Indian Stream

Part First—Bill of Rights

Article 1st. All men are born equally free and independent therefore all government of right originates from the people, is founded in common consent and instituted for the public good.

Article 2nd. Every man has a natural, essential, and unalienable right to worship God according to the dictates of his own con-

science and reason, and is not accountable to any human tribunal, for his religious opinions or practices, provided he does not encroach upon the civil or religious rights of others.

Article 3rd. All men have certain natural and essential civil rights, among which are the enjoying and defending life and liberty; acquiring, possessing, & protecting property; and in a word of seeking and obtaining happiness. Hence arises the right of controlling those vicious members of society, who invade the rights of others.

Article 4th. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to secure the protection of others.

Article 5th. Government being instituted for the common benefit, protection & security of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore every member of the community has an equal right to be protected by it, in the enjoyment of his life, liberty, and property, and is equally bound to contribute his share in the expence of such protection, and to yield his personal service when necessary.

Article 6th. Every subject of the government has a right to a certain remedy by having recourse to the Laws for all injuries he may receive in his person, property or character; to obtain right and justice freely and completely, without any denial, promptly and without delay conformably to the Laws.

Article 7th. No subject shall be held to answer for any crime or offence, until the same is fully, plainly, and substantially described to him, nor be compelled to accuse, or furnish evidence against himself: And every subject shall have a right to produce all proof that may be favorable to himself, to meet the witnesses against him face to face, and be fully heard in his defence by himself or counsel, and no subject shall be arrested, imprisoned, deprived of his property or privileges, put out of the protection of the laws, exiled, or deprived of his life, liberty, or estate, but by the Judgment of his Peers, or the law of the land.

Article 8th. No subject shall be liable to be tried after an acquittal for the same offence; nor shall the General Assembly make any law, that shall subject any person to corporeal punishment (excepting for the government of the militia while in actual service) without trial by Jury.

Article 9th. All punishment ought to be proportioned to the nature of the offence and no excessive cruel or unusual punishment

shall be inflicted—the true design of all punishment being to reform and not to exterminate mankind.

Article 10th. Every subject hath a right to be secure from all unreasonable searches or seizures of his person, papers and all his possessions—therefore all searches and seizures are contrary to this right, if not made by an officer authorized by Law acting by authority of a warrant the cause or foundation of which hath been confirmed by oath with a special designation of the persons or objects of search or arrest or seizure.

Article 11th. All elections ought to be free and every inhabitant having the proper qualifications has an equal right to elect & be elected into office, to enjoy the freedom of speech & debate and act on all business before the general assembly.

Article 12th. All power residing originally in and being derived from the people all the magistrates and officers of Government are their substitutes and agents and at all times accountable to them.

Article 13th. Man being originally formed by his Creator for society and social intercourse & for mutually aiding, assisting and defending each other and promoting their mutual welfare and happiness therefore all societies of men placed by circumstances of fortune without the Jurisdiction or control of any other society or Government have a right to unite togather and institute such government for the regulation of their society as they deem most conducive to the general good, and where a large majority of the people so situated unite together and establish a government the minority of right ought to submit to the majority and be controlled by them.

Part Second—Form of Government

The people inhabiting the Territory formerly called Indian Stream Territory do hereby solemnly and mutually agree with each other to form themselves into a body politic by the name of Indian Stream and in that capacity to exercise all the powers of a free, sovereign and independent state, so far as it relates to our own internal Government till such time as we can ascertain to what government we properly belong.

The supreme legislative power within this place shall be vested in a Council and assembly. The council and assembly shall meet every year on the second monday in March and at such other times as the council may Judge necessary and shall be styled the general assembly of Indian Stream. The general assembly shall have full

power and authority to erect and constitute courts to be holden in the name of the people for trying & determining all manner of crimes, offences, Pleas, actions, causes or controversies whatsoever which may arise or happen, or concern persons, inhabiting or residing within this place, whether the same be criminal or civil or whether the crimes be capital or not capital, and for awarding Judgment and issuing executions thereon to which courts are granted full power to administer Oaths or affirmations for the better discovery of truth in any matter depending before them, and further full power is hereby granted to said General assembly from time to time to make and establish all manner of wholesome and reasonable Laws and regulations either with or without penalties so as the same be not repugnant to this constitution as they may Judge for the benefit and welfare of this people and for the necessary support and defence of the Government thereof.

The Assembly

Every male inhabitant of Indian Stream who is twenty-one years of age or over and has resided in this place three months next preceding any annual session, shall be admitted as a member of the assembly on taking the following oath:

I Solemnly Swear that to the best of my power and ability I will support inviolate the constitution and laws of Indian Stream. So help me God.

A majority of the members of the assembly shall constitute a quorum for transacting business, and no business shall be acted upon by the assembly unless a majority of the members are present.

No bills, acts, or resolves shall originate in the assembly but the assembly may fill up Blanks left for the purpose and return the Bills, acts, or resolves to the council with the amendments proposed and if the council concur in the amendment they shall return the Bills, acts, or resolves with the amendments inserted or propose other amendments, but if the council do not concur they shall return the bills, acts, or resolves with their objections then if two thirds of the members of the assembly present persist in their amendments the Clerk shall insert the amendments and the Bill, act, or resolve, shall become a Law without being signed by the council as provided in other cases.

The assembly shall have power to form all necessary rules (not repugnant to the constitution) for preserving order and transacting business in the house during the session, and appoint all necessary officers to carry them into effect.

Every member of the assembly who is hereafter convicted, in due course of Law of Perjury or other high crimes and misdemeanors shall be expelled from the assembly and his name stricken from the roll thereof by the Clerk.

The name of every member who has been absent from this place for the space of six months next preceding any session of the assembly, or who may be removed by death shall be erased from the roll by the clerk.

The assembly shall have power to choose or appoint all civil officers required by the Constitution or Laws of Indian Stream for the Government thereof.

The assembly shall have power to adjourn from time to time til the business of the session is completed but no adjournment shall exceed three days at any one time without the consent of the council.

The Council

The Council shall consist of five members chosen annually by ballot by the assembly except in cases hereafter provided on the second monday of March whose term of office shall commence immediately after the close of the session at which they were chosen and expire at the close of the next annual session.

Full power is hereby granted to the council to meet as often as they deem necessary and they are required to watch over the general peace and safety of the inhabitants to draft prepare, and report to the assembly, all such Bills, acts and resolves, for making Laws and regulations in this place as they consider necessary for the public good, To commission such officers chosen or appointed by the assembly or Militia as are by the constitution or Laws required to be commissioned by the council and administer the oath of office. To cause complaint to be made and prosecute to final Judgment before any Court proper to try the same all persons subject to indictment for any criminal offence against the peace and dignity of the people.

The council are vested with full power and authority to command the militia by ordering and giving instructions to the officers thereof, and for the special defence and safety of the place to assemble them in martial array to lead and conduct them and with them to encounter repulse, resist and pursue by force of arms within the limits of this place and also to Kill, slay & destroy if necessary, and conquer and compel to obedience to the laws by all fitting ways and means all and every such person or persons as shall at any future time in a hostile manner attempt the destruction or annoyance of

the inhabitants of this place or rise in insurrection against the Government or Laws thereof.

Full power is hereby vested in the council of pardoning and remitting the punishment in the name and behalf of the people of all criminals convicted of criminal offences against the laws of Indian Stream in whose favour such palliating circumstances may appear as will convince the council that their punishment can be remitted without injury to society.

Whenever the council desire a special session of the assembly they shall notify the members by posting a notification designating the time and place of meeting at or near the dwelling house of Ebenezer Fletcher, at the assembly rooms and at the house of Peter Barnes at least six days before such session and they are required to post with the notification a copy of all Bills, Acts, or Resolves which they intend to report for the consideration of the assembly at said Special meeting. The council are further required to post a copy of all Bills, Acts, & Resolves intended to be reported for the consideration of the assembly at the annual session at the three before mentioned places at least fourteen days before said session.

All Bills, Acts & Resolves passed by the assembly and approved by the Council shall be signed by them and recorded and attested by the clerk before they become a law of the land.

Provided that in all cases where the council is mentioned a majority of that body shall be considered the council.

Court of Error

The Council shall constitute a high court of error and in that capacity full power is hereby vested in them to issue writs of error and stop execution upon the Judgments of all courts hereafter established in this place in all cases where such testimony and evidence is produced before them as shall render it highly probable that such Judgment was founded on an erroneous construction of the law, or is contrary to law or the principles of this constitution, and to issue their mandate to the Justice or Justices of Said court, commanding them to reverse or correct their Judgment so as to render it conformable to the true intent and meaning of the constitution and Laws of Indian Stream in all cases where after full investigation they find such Judgment was erroneously rendered.

Provided that no evidence or testimony in the case shall be produced before the court of error which was not brought in evidence or plea before the court or is contained in the records thereof upon whose Judgment complaint of error is made.

Encouragement of Literature and Moral Virtue

Knowledge and Learning generally diffused through a community being essential for the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the community being highly conducive to promote this end it shall be the duty of the Legislators and Magistrates in all future periods of this Government to cherish the interest of Literature and sciences and public schools, to countenance and inculcate the principles of humanity and general benevolence, public & private charity, industry & economy, Honesty and punctuality, sincerity & sobriety, and all social affections and generous sentiments among the people.

Writs, &c.

All writs issued by any court of Law shall be in the name of the inhabitants of Indian Stream, and all indictments, presentments, & informations shall conclude against the peace and dignity of the people.

Oath of Office

Every officer accepting the trust before he proceeds to execute the duties of his office shall make and subscribe the following declaration.

I, A. B., do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as . . . according to the best of my abilities agreeable to the constitution and Laws of Indian Stream. So help me God.

Provisions

Provided if by any casualty circumstance it should so happen that a quorum of the assembly should not be present at any annual session all officers whose term of office would otherwise expire at that session shall continue in office til others are chosen or appointed to superscede them.

The general assembly shall have power to make Laws for raising, assessing & collecting taxes for the support of government, Laying out making & repairing highways and Bridges & for the support of Public schools and other public purposes to be apportioned among the people in the most equal manner that circumstances will admit. And shall provide for and reasonably compensate the council and

clerk and all such other officers as by law shall be authorized to receive compensation from the people for their services rendered.

Provided that nothing in this constitution shall be so construed as to prevent the members of the council from acting and voting in the assembly the same as other members.

The Clerk of the assembly shall supersede the clerk of Indian Stream Territory and keep and preserve all public records heretofore made, and shall record keep and preserve all public records hereafter, and perform all duties required of him by law.

Provided that if any officer shall remove from this place, or resign or is removed by death thereby leaving his office vacant the council shall fill the vacancy by appointing such person as they consider qualified to discharge the duties of the office, to fill such vacancy.

Provided that all the Laws rules and regulations which have heretofore been adopted by the inhabitants of Indian Stream Territory shall remain and be in full force until altered or repealed bythe general assembly such parts thereof only excepted as are repugnant to the rights & liberties contained in this constitution.

PROVISIONS FOR ADOPTING THE CONSTITUTION AND LAWS REPORTED BY THE COMMITTEE, & FOR CARRYING THEM INTO IMMEDIATE EFFECT

Provided that after the committee shall have reported this constitution at the meeting specially called for that purpose the moderator shall put the question to the people in the following words; is this constitution approved and shall it be adopted and shall then from a roll prepared by the clerk containing the name of every legal voter in this place (errors excepted) proceed and call the name of every voter contained in the roll, and receive their vote by their answering yea or nay, and the clerk shall record every vote given against the name of the voter who gave it.

The moderator shall then say if there is any voter present whose name has not been called he is requested to come forward and give his vote.

The moderator shall then cast up all the yeas and nays and declare the number of all the votes given and the number of the yeas and nays seperately and if it shall then appear that two thirds of all the votes given are yeas, the moderator shall declare this constitution is adopted, but if it shall appear that less than two thirds of all the votes given are yeas, the moderator shall declare this constitution is not adopted.

Provided further that if this constitution is adopted every legal voter at this time desirous of becoming a member of the assembly shall present himself to the Clerk who shall then enroll the names of said voters and administer the oath prescribed in the Constitution.

And in all cases where the Clerk shall enroll and admit persons as members of the assembly he shall certify in the following form: That on the day of in the year personally appeared before me the above named Inhabitants of Indian Stream and were duly qualified and admitted members of the assembly agreeable to the constitution. A. B., Clerk of Indian Stream.

The moderator of the meeting shall then call the members of the assembly to order and call for the ballots for a speaker of the assembly the member having a majority of all the votes given shall be declared Elected. They shall proceed in the same manner to elect a Clerk. The Moderator shall then administer the oath of office to the Clerk, & the Clerk to the speaker, the moderator shall then declare the assembly organized and the meeting dissolved. The assembly shall then proceed to transact what is proper to be done by the General Assembly at the annual session the Committee which reported this Constitution being authorized to act as council til the close of the session.

And Provided further that all Bills, acts, and resolves reported by the committee shall not be barred by reason of not having been posted but shall be considered constitutionally reported to the assembly.

And provided that the term of office of all officers chosen or appointed at this session shall expire the same as though they had commenced on the second monday in March last.

Provision for Altering and Amending this Constitution

The Speaker of the assembly shall at every annual session when a quorum is present put the question, is it necessary to alter or amend the Constitution and take the vote by Yeas and Nays by calling the name of every member and if a majority of all the members are in favor of altering or amending the Constitution, the speaker shall declare it necessary to alter & amend the Constitution. The assembly shall then choose a committee to prepare such alterations in the constitution as they think necessary to be approved by the assembly at a special meeting to be holden expressly for that purpose, or at any session of the assembly legally held, and

when the committee have proposed their alteration or amendment the speaker shall put the question, shall these alterations and amendments be made and adopted into the constitution, and take the vote by yeas & nays as above and if two thirds of all the members present shall vote in favor of the question the speaker shall declare the alterations and amendments are made in the constitution but if two thirds of all the members present do not vote in favor of the question the speaker shall declare no alteration or amendment is made in the constitution.

Provided that nothing contained in this constitution shall be so construed as to extend the Jurisdiction of this government over any inhabitants settled on the east side of Halls Stream if any there are who are included within the chartered limits of Hereford.

NOTE

The constitution is contained in C, pp. 1–11. The punctuation and spelling of the manuscript are closely followed here and in the following chapters.

CHAPTER 9

The Assembly of 1832

The minutes of the meeting of July 9, 1832, continue:

The vote for adopting the Constitution was as follows Yeas 56, Nays 3. Whole number 59.

List of Members of the General Assembly

Peter Barnes	Timothy N. Haynes	Samuel Drown
Zacheus Clough	Sampson Thirston	Samuel Orsborn
Benjamin Coon	*Nathaniel French	Nathan Judd
William Fessenden	*Nathaniel Snow	Luther Parker
Burleigh Blood	*Hermon Bachelder	Stilman Martin
*David Eaton	*David Tyler	Elijah C. Sawyer
John Haynes	*Ebenezer Gitchell	*Josiah Lamb
Rufus Hartwell	Jonathan French	Emer Applebee
John Robie	Sampson Rowell	John McConnell
Daniel Rogers	John Langdon Haynes	Wells Wright
Clark J. Haynes	*Jeremy George	John H. Perry
Nathaniel Perkins	Ross C. Haynes	Abner Hyland
Enoch Carr	Jonathan Hartwell	John A. Mitchell
Simeon Wright	Ebenezer Fletcher	David Mitchell
Reuben Sawyer	Aaron Judd	Nathan J. Perry
Alanson Cumings	Phinehas Willard	Ira C. Bowen
John H. Tyler	Jeremiah Tabor	George W. Bunnel
	Richard I. Blanchard	

On the ninth day of July in the year one thousand Eight hundred and thirty two. Personally appeared before me the above named inhabitants of Indian Stream and were duly qualified and admitted members of the assembly agreeable to the Constitution.

John A. Mitchell, *Clerk of Indian Stream.*[1]

Indian Stream, July 9th, 1832.

The Assembly was then called to order by the Moderator and David Mitchell was chosen Speaker & John A. Mitchell Clerk and took the oath of office as prescribed by the constitution.

These names are cancelled in the record.

The meeting was then declared dissolved and the assembly organized.

Voted that the former rules and regulations for the government of the house be adopted until others are made.

Chose Phinehas Willard, Luther Parker, David Mitchell, Nathaniel Perkins, and John Haynes members of the Council.

Voted to choose three Justices of the peace.

Chose Nathan Judd, Clark J. Haynes, Burleigh Blood, Justices of the peace.

Voted that the Council draft a set of rules for the government of the house when in session.[2]

An Act to Establish Courts of Justice[3]

Be it enacted by the inhabitants of Indian Stream in General assembly convened. That from and after the passing of this act Every Justice of the Peace who shall be Legally appointed and duly qualified in this place shall constitute a Court of competent Jurisdiction for the trial of all actions Pleas & controversies which may be brought before them in the name and behalf of the people and for rendering Judgment for debt or damage and reasonable Costs & issueing execution thereon.

And be it further enacted that at all trials before a Justice the parties or either of them shall have a right to a Jury to be appointed as hereinafter provided.

And be it further enacted that it shall be the duty of the council immediately after they are appointed annually to make out a list of twenty four names of the legal voters in this place such as they shall consider qualified to serve as Jurors & write their names on separate pieces of paper & put them into a Box or Boxes to be provided for that purpose and shall deliver to each Justice a Box containing the names as aforesaid to be kept by the said Justices, and in all cases where a trial is pending & the parties or either of them request a Jury, the Justice before whom the trial is to be held shall draw from the Box six names & the persons whose names shall be so drawn shall compose the Jury to serve at the trial unless it shall appear that any whose names shall have been Drawn as aforesaid shall be a party concerned or in any way interested in the event of said trial in that case the Justice shall return the name or names of such person or persons into the Box and proceed to draw others to serve in their stead, and the Jurors drawn as aforesaid shall be notified

by the sheriff to attend at the time and place of such court and before proceeding on any trial in civil actions the Justice shall administer to the Jury the following Oath: You solemnly swear that in all causes betwixt party & party that shall be committed unto you, you will give a true verdict according to Law & the evidence before you. So help you God.

And be it further enacted that in all civil actions hereafter commenced the writ shall be served on the defendant by the sheriff at least seven days before the court.

And be it further enacted the Justices appointed as aforesaid shall have Jurisdiction of all criminal as civil actions, provided that in all cases where complaint is made or criminal action is brought before a Justice, said Justice may have one or more Justices to sit with him on trial of such complaint or action may enlarge the Jury to the number of twelve.

Provided that nothing in this act shall be so construed as to affect any former proceeding either civil or criminal which has been had before any Court heretofore, or any debts heretofore contracted. But all such cases shall be settled agreeable to the rules & regulations heretofore adopted.

And be it further enacted that all courts established before the adoption of this constitution the same are hereby abolished.

And be it further enacted that in all criminal causes before proceeding in the trial the Justice before whom such cause is brought, shall administer the following Oath. You solemnly swear that you will well and truely try and true deliverance make between the inhabitants of Indian Stream and the respondent at the Bar, whom you shall have in charge according to Law and the evidence given you. So help you God.

Signed David Mitchell, Luther Parker, Phinehas Willard, Hermon Batchelder, Nathan Judd, *Council.*

Passed July 9, 1832.

Attest John A. Mitchell, *Clerk.*

An Act to Regulate the Collection of Debts, Damages, & Fines in all Cases in which Execution to Attach and Sell Property May Be Rendered

Be it enacted by the inhabitants of Indian Stream in general assembly convened that after the passing of this act that in all cases where an action is commenced before any court in this place said court shall order the sheriff to attach the goods, chattels or property

of the defendant for the security of debt, damage or fine and cost of Court, to double the amount of debt, damage or fine claimed in the declaration of the Writ issued by such court.

And be it further enacted that in all cases where Judgment is rendered by any Court in this place against either plaintiff or defendant said court shall issue execution thereon ordering the Sheriff to attach and sell to the highest bidder at publick auction so much property of the person or persons against whom such Judgment was rendered as will amount to said execution with the addition of the Sheriff's fees for attaching and selling said property.

And be it further enacted that no court excepting the court of error shall be required to issue any writ until 25 cents has been tendered by the plaintiff for said writ, or any warrant to arrest any criminal or search any suspected places, or make any seizure before the complainant or applicant for said warrant shall tender said Court 25 cents for said warrant.

And be it further enacted that each Justice shall receive one dollar in advance on each case brought before him to be paid by the plaintiff and one dollar on each adjourned case for each adjournment or continuance to be paid by the party pleading adjournment or continuance.

Signed David Mitchell, Luther Parker, Phineas Willard, Hermon Batchelder.

Passed July 9th, 1832.

Attest John A. Mitchell, *Clerk*.

An Act Regulating the Fees of the Sherriff, and Defining His Duty

Be it enacted by the inhabitants of Indian Stream in General assembly convened That after the passing of this act each Sherriff in this place shall have four cents for each mile which he may nescessarily travel in discharging his official duty, and a reasonable compensation for every person which he may necessarily command to assist him in the discharge of his duty, and twenty-five cents for the service of every writ, fifty cents for every arrest by warrant, and twelve and a half cents for summoning each Juror and evidence.

And be it further enacted, that it shall be the duty of the sherriff upon having his fees tendered him to execute all orders of any court in this place, to obey the instructions of the plaintiff in attaching and selling property on Writ or execution provided he shall

receive good and sufficient bonds to indemnify him in case the property does not belong to the person he was ordered to attach.

Signed Luther Parker, Phinehas Willard, David Mitchell, H. Batchelder, N. Judd, *Council.*

Passed July 9th, 1832.

Attest J. A. Mitchell, *Clerk.*

An Act to Provide for Forming Juries

Be it enacted by the inhabitants of Indian Stream in General Assembly convened, That each Juror upon being summoned to attend any Court to be held in this place and having four cents per mile and thirty three cents for one half days attendance tendered him shall obey said summons of Court unless disabled by the hand of Providence under pain of forfeiting and paying five dollars.

And be it further enacted that no Juror shall be required to attend on any court more than six hours, unless his fees for an additional half day are tendered him in advance.

And be it further enacted, that it shall be the duty of the party requiring a Jury to advance the Jurors fees.

Signed Luther Parker, Phinehas Willard, Nathan Judd, David Mitchell, H. Batchelder, *Council.*

Passed July 9th, 1832.

Attest J. A. Mitchell, *Clerk.*

An Act to Prevent Selling Spirituous Liquors in or Near the Assembly Rooms &c.

Be it enacted by the inhabitants of Indian Stream in General Meeting assembled, that no person shall fetch for the purpose of Selling, vending, or giving away, distilled Liquors within one fourth part of a mile of the place where the assembly are in session on pain of forfeiting all of said liquors and it shall be the duty of all Justices of Courts to issue their warrants to the Sherriff ordering him to seize said liquors forthwith and to sell the same in four days and lodge the proceeds with the treasurer (after deducting his fees) for the use of the inhabitants of Indian Stream.

And be it further enacted, that if any person shall sell vend or give away any distilled Liquors within the limits prescribed in this act, on the day that the session of the assembly is held it shall be full evidence that the remainder of said liquors was brought for the

purpose of selling vending or giving away, and shall be forfeited with the vessel or cask containing the same to the use of the inhabitants of Indian Stream.

Signed David Mitchell, Luther Parker, Phineas Willard, Herman Batchelder, Nathan Judd, *Council.*

Passed July 9th, 1832.

Attest J. A. Mitchell, *Clerk.*

An Act to Repeal Former Votes & Rules

Be it enacted by the inhabitants of Indian Stream in General meeting assembled, that all votes and rules heretofore passed which are contrary to the acts this day passed are hereby repealed.

Signed David Mitchell, Luther Parker, Phineas Willard, Herman Batchelder, Nathan Judd, *Council.*

Passed July 9th, 1832.

Attest John A. Mitchell, *Clerk.*

An Act to Exempt Certain Property from Attachment

Be it enacted by the inhabitants of Indian Stream in General Assembly convened, that from the passing of this act the following property shall be exempt in all civil cases from attachment on Writ or execution, Viz. one Cow, one hog, one swine not over six months old, the meat of one hog, seven Sheep and the Wool of seven sheep, three tons of Hay one Bed and bedding for every two persons, all wearing apparel & all their Books and if a farmer or mechanic twenty dollars worth tools one Gun and equipments Household furniture to the amount of twenty dollars one bushel of Grain, Meal, or flower to each person twenty five Bushels Potatoes, and two Bushels Salt.

Signed David Mitchell, Hermon Batchelder, Phineas Willard, Luther Parker.

Passed July 9th, 1832.

Attest J. A. Mitchell, *Clerk.*

An Act for Organizing the Militia

Be it enacted by the inhabitants of Indian Stream in General Assembly convened, that the Council shall enrol in the militia every able bodied man within this place between the ages of eighteen and

fifty as soon as they think expedient after the close of this session of the General Assembly, shall invite the persons enrolled to assemble and proceed to the choice of Captain, Lieutenant, Ensign, first, second, third and fourth Sergeant and the person having a majority of all the votes given for each of the respective offices shall be declared duly chosen.

And be it further enacted that the Council shall commission the Captain Lieutenant and Ensign, and administer the oath of office, and the Captain shall issue warrants to the Sargents and administer the oath of office.

And be it further enacted that it shall be the duty of the Captain to assemble his company on the second monday in June annually for Military duty and inspection, and to instruct them in Military duty and tacticks.

And be it further enacted that it shall be the duty of every citizen enrolled in the militia to assemble on the second monday in June annually, at such time and place as the Captain shall order with such arms and equipments as they may possess and yield strict obedience to their commanding officers.

And be it further enacted that whenever the Captain shall order the Militia to assemble for actual service it shall be the duty of every citizen so ordered to rendezvous at such time and place as the Captain shall order armed with a good musket two spare flints and twenty four cartridges with ball suited to the bore of his Musket and powder sufficient to discharge the same and knapsack with one days provision.

Signed David Mitchell, Luther Parker, Phineas Willard, Hermon Batchelder, Nathan Judd.

Passed July 9th, 1832.

Attest J. A. Mitchell, *Clerk.*

NOTES

[1] C, p. 12. Here, as elsewhere, the original spellings of proper names are followed.

[2] C, pp. 12, 13.

[3] For the acts of 1832, C, pp. 13–18.

CHAPTER 10

The Assembly of 1833

Indian Stream Ss., March 11, 1833.

The assembly met agreeable to notice and were organized according to constitution & law.

Article 1. Chose David Mitchell Speaker.

Article 2. Chose John A. Mitchell Clerk.

Article 3. On the 11th day of March A. D. 1833 personally appeared Elisha P. Tabor, Nath[l] Perkins, Jr., John Robie Jr. and were duely qualified and admitted members of the assembly agreeable to the constitution. John A. Mitchell *Clerk.*

4th Chose Phinehas Willard for first councillor who does not accept.

4th Chose Nath[l] Perkins, David Mitchell, John Haynes, E. P. Tabor, Nathan Judd Councillors.

5th Voted to choose three Justices of the Peace.

6th Chose Nath[l] Perkins, Jr., Rich[d] I. Blanchard, Burleigh Blood Justices of Peace.

7th Chose Reuben Sawyer sherriff.

8th Voted to raise three hundred Dollars highway tax.

9th Voted that each able bodied man shall be allow[d] one dollar a day untill the middle of Sept[r] after that seventy-five cents oxen the same.

10 Chose J. Tabor, Simeon Wright, Ross C. Haynes, David Eaton, Enoch Carr, Simon Danforth, Burleigh Blood, Jeremy George, Timothy N. Haynes Highway Surveyors.

11th voted to choose three selectmen by hand vote.

12th Chose Nath[l] Perkins, R. C. Haynes, Peter Barnes Select men.

13th voted that each school District may raise such tax for supporting schools as they see fit.

14th voted that any person making complaint to any magistrate for a Breach of the peace by any person or persons before a warrant shall be granted shall give a sufficient bond to pay all cost that may arise in said action, provided the person or persons complained of should not be found guilty or should not be fined by

s[d] court in a sum sufficient to defray the expences attending s[d] suit.

15th Chose John A. Mitchell Treasurer.

16th Voted to choose a committe of three to lay out roads in this place and that they shall say where and how wide the roads are to be made and where to have gates & bars, and in case anyone petitions for a road through anyones farm the petitioners shall pay all damage that may be assessed on the same.

17th Chose Nathan Judd, R. I. Blanchard, Jon[a] Hartwell Committee on Roads.

Voted to adjourn to the 2d Monday of March next at ten o'clock A. M.

J. A. Mitchell, *Clerk.*[1]

The acts of 1833 receive no mention in these minutes. There were three, as follows:[2]

An Act to Establish the Rates at Which Polls and Ratable Estates shall be Valued in Making and Assessing Direct or other Taxes in this Place.

(For this act, see chapter 5, p. 38.)

Signed Phinehas Willard, Nath[l] Perkins, David Mitchell, John Haynes, *Councillors.*

Passed March 11th, 1833.

Attest John A. Mitchell, *Clerk.*

An Act in Addition to an Act entitled An Act to Regulate the Collection of Debts, Damages, and Fines in all Cases in which Execution to Attach and Sell Property may be Rendered

Be it enacted by the Inhabitants of Indian Stream in general assembly convened that after the passing of this act that in all cases where Judgment is rendered by any court in this place against either plaintiff or defendent said court shall issue execution thereon, ordering the sheriff to attach and sell to the highest bidder at public auction so much property of the person or persons against whom such Judgment was rendered as will amount to said execution with the addition of the Sherriffs fees that it shall be the duty of the sherriff in all cases where he has attached property on execution as aforesaid to advertise the same by posting an advertisement

specifying the articles for sale at some public place in this settlement at least four days before such sale and it shall be the duty of the sherriff to pay over immediately all sums by him received for property sold as aforesaid for debt and cost to the person or persons in whose favor such execution was granted or their attorney deducting his own fees, and in all cases where execution was for fine and Cost in the name and behalf of the people it shall be the duty of the Sherriff to pay the same immediately to the treasurer of this place for the benefit of the inhabitants and be it further enacted that the sherriff shall have a right to tax for every execution by him collected and paid over as aforesaid fifty cents.

And be it further enacted that all executions issued by any court in this place shall be ordered to be returned within sixty days.

Signed PHINEHAS WILLARD, NATH^{L} PERKINS, DAVID MITCHELL, JOHN HAYNES, *Councillors.*

Passed March 11th, 1833.

Attest JOHN A. MITCHELL, Clerk.

AN ACT TO PROVIDE FOR RAISING, ASSESSING, AND COLLECTING TAXES FOR THE SUPPORT OF GOVERNMENT, LAYING OUT, MAKING, AND REPAIRING HIGHWAYS AND BRIDGES, FOR THE SUPPORT OF SCHOOLS AND OTHER PUBLIC PURPOSES

Be it enacted by the inhabitants of Indian Stream in General Assembly convened that from the passing of this act all taxes voted by the assembly to be raised for any or either of the above purposes shall be assessed on the polls and ratable estate agreeable to the law in that case made and provided.

And be it further enacted that the general assembly shall annually at their session choose three select men whose duty it shall be to assess all taxes voted by the assembly to be raised and said select men shall be sworn to the faithful discharge of their duty and shall have full power to take an inventory of the polls and rateable estate of the inhabitants of Indian Stream on the first day of april annually and shall proceed to make out the taxes which may have been voted & ordered by the assembly & the said select men shall make out a warrant annexed to the tax bill and deliver to the collector who shall be chosen by the assembly and qualified as the constitution and law directs and the collector by virtue of said warrant shall have full power to collect said taxes, and in case any whose names are in said tax bill shall neglect or refuse

to pay his or her tax after reasonable notice said collector may proceed to attach property and sell at public auction sufficient to pay said tax and cost, and may tax the same fees as is allowed to the Sherriff for collection on execution.

And be it further enacted that the select men shall proceed in the same way in assessing and making out the Highway taxes and the Highway surveyors are hereby invested with the same power for collecting their taxes as is given to the collectors.

Signed PHINEHAS WILLARD, NATH[L] PERKINS, DAVID MITCHELL, JOHN HAYNES, *Councillors.*

Passed March 11, 1833.

Attest JOHN A. MITCHELL, *Clerk.*

NOTES

[1] 4, p. 30.

[2] For the acts of 1833, C, pp. 20, 21.

CHAPTER 11

The Assembly of 1834

Indian Stream Ss., March 10th, 1834.

The assembly met agreeable to adjournment when the following individuals appeared and were duly qualified and admitted members of the assembly agreeable to the constitution:

Wm. White	Russell White	David S. Rowell
Samuel Huggins	Goodrich Coats	James Abbot
Rufus Brockway	Enos Rowell	Simon Danford
Joseph Watts	David Johnson	

Attest John A. Mitchell, *Clerk.*

Article 1st Chose David Mitchell Speaker.

Article 2 Chose John A. Mitchell Clerk.

Article 3 Chose John A. Mitchell Treasurer.

Article 4 Voted to adjourn five minutes.

Met according to adjournment.

Article 5 Chose Jeremiah Tabor, Phinehas Willard, Abner Highland, Wm. White, James Abbot Councillors & sworn.

Article 6th Voted to choose three Justices of the Peace. Chose Elisha P. Tabor, Alanson Cumings, Burleigh Blood justices of peace Sworn.

Article 7 Chose Reuben Sawyer Sherriff & sworn.

Article 8 voted that the act respecting sherriff & prisoners be laid on the table.

Article 9 voted that the act for preventing vexatious law suits be laid on the table.

Article 10 voted that an act respecting stock produce &c being lawful tender for debts &c be laid on the table.

Article 11 voted that the act respecting marriages be laid on the table.

Article 12th voted that the act respecting roads be laid on the table.

Article 13th Voted that the act respecting appointing Deputies by the Sherriff lie on the table & returnd for amendment.

Article 14 Voted that the council report a bill to choose a

committee to lay out a road to the state of Maine & to pay them for it.

Article 15 voted to adjourn this meeting untill Saturday next at 10 o'clock A. M.

J. A. Mitchell, *Clerk.*[1]

Indian Stream Ss. Saturday March 15th 1834.

The meeting was opened according to adjournment.

Personally appeared Sam[l] Danforth and Moses Thirston and was duly quallified and admitted members of the assembly agreeable to the constitution.

J. A. Mitchell, *Clerk.*

Article 16 Chose Jeremiah Tabor, no 1, Kimball B. Fletcher, no. 2, David Rowell, no. 3, Jon[a] Hartwell, no. 4, Simon Danforth, no. 5, Enoch Carr, no. 6, Sam[l] Huggins, no. 7, Phinehas Willard, no. 8, David Johnson, no. 9, highway Surveyors.

Article 17th Voted that Capt. John McConnell be taken from district No. 5 and added on to district No. 4.

Article 18th Chose Elisha P. Tabor, Luther Parker, David Mitchell Select men.

Article 19th Chose Col. Samuel Huggins Coroner.

Article 20th Chose Jeremiah Tabor, Luther Parker, Rich[d] I. Blanchard Committee on Roads.

Article 21 Chose Simon Danforth, Burleigh Blood to look out the Eastern road.

The Clerk had leave of absence. Chose Alanson Cumings Clerk Pro tem.

voted that the Committee on the Eastern road Bill attend to their Duty as soon as Convenient.

voted that the Act to support Government be passed.

voted that John A. Mitchel be Collector.

voted to Close this meeting.

Alanson Cumings, *Clerk pro tem.*[2]

The acts passed by the assembly of 1834 are as follows, the first having been voted on March 10, and the remainder at the adjourned meeting on the 15th:[3]

An Act Regulating Marriages

Be it enacted by the inhabitants of Indian Stream in General assembly convened that from the passing of this act, every ordained Elder or minister of the gospel and every Justice of the peace who are commissioned in this place shall be and hereby are authorized and empowered to solemnize marriage between persons who may lawfully enter into that relation.

And be it further enacted that the persons joined in marriage by any minister or Justice shall pay therefor to said minister or Justice the sum of one dollar.

And be it further enacted that all persons desiring to be Joined in marriage shall have such their desire or intention published at three several publick meeting days or three Sabbath days in this place by the Clerk and shall produce to the minister or Justice who shall be desired to marry them a certificate of such publishment under the hand of the Clerk and shall pay to the Clerk twenty five cents for such certificate.

Signed Nath^{l} Perkins, David Mitchell, Nathan Judd, E. P. Tabor, John Haynes, *Councillors of Indian Stream.*

Passed March 10th, 1834.

Attest J. A. Mitchell, *Clerk.*

Indian Stream Ss. March 10, 1834.

Then personally appear'd W^{m} White Russel White David S. Rowell Samuel Huggins Goodrich Coats James Abbot Rufus Brockway Enos Rowell Simon Danforth and Joseph Watts and were duly qualified and admitted members of the assembly agreeable to the constitution.

John A. Mitchell, *Clerk.*

Indian Stream Ss. March 15th 1834.

Then personally appeared Samuel Danforth and Moses Thirston and were duly quallified and admitted members of the assembly agreeable to the constitution.

J. A. Mitchell, *Clerk.*

An Act to Prevent Vexatious Suits at Law

Be it enacted by the General assembly of Indian Stream that from and after the passing of this act no creditor shall for any contract thereafter made recover before any court in Indian Stream

aforesaid more cost of suit than debt or damage shall amount to by the consideration and decision of the court before whom the trial shall be had provided said debt or damage shall not exceed two dollars.

And be it further enacted, that the creditor who plants an action as aforesaid shall be held for all the cost lawfully taxed by the court aforesaid the same as he or she would have been had not the aforesaid act been passed.

Signed Nath^{l} Perkins, David Mitchell, Nathan Judd, John Haynes, E. P. Tabor, *Councillors of Indian Stream.*

Passed March 15, 1834.

Attest J. A. Mitchell, *Clerk.*

An Act for the Punishment of Assault and Battery and Murder

Be it enacted by the inhabitants of Indian Stream in General assembly convened that if any person shall make an assault & Battery on another on conviction thereof shall be imprisoned not exceeding six months be fined not exceeding ten dollars and pay cost of prosecution any or all of the above at the discretion of the court before whom such person was convicted.

And be it further enacted that if any person shall commit willful murder such person shall on conviction thereof suffer death.

Signed Nath^{l} Perkins, David Mitchell, Nathan Judd, John Haynes, E. P. Tabor, *Councillors of Indian Stream.*

Passed March 15, 1834.

Attest J. A. Mitchell, *Clerk.*

An Act to Provide for Laying out and Discontinuing Public Roads or Highways

Section 1. Be it enacted by the inhabitants of Indian Stream in general Assembly convened that from & after the passing of this act there shall be chosen a committe of three whose duty it shall be on petition of any ten inhabitants of this place to examine any proposed route for a road or any discontinuance of road and in all cases where they are of opinion that the publick good requires said road to be laid out or discontinued to lay out & make a survey of the same or order the road to be discontinued and lodge a copy of their doings with the Clerk for record.

2d. And be it further enacted that said committee are authorized to appraise all damage sustained by any individual by reason of such road taking at all times into consideration the benefit said individual may receive by said road or the discontinuance of the old road and give an order on the treasurer for the payment of said damage.

3d. And be it further enacted that whenever said committe lay out a road where in their opinion the publick good does not require said road to be kept open they shall authorize the owners whose land was taken for said road to erect so many gates across said road as they think expedient and authorize said landholders to keep said gates shut from the first day of May to the first of November.

4th. And be it further enacted that said committe shall order said gates to be removed at any time when the publick good requires an open road and appraise and pay the damage sustained by making such road open as provided in the 2nd section of this Act.

5th. And be it further enacted that in all cases where any person shall remove or leave open any gate authorized by law to be kept across any road they shall be liable in an action of trespass the same as though they had broke open a private close.

6th. And be it further enacted that said committee shall receive one dollar per day for their services & pay reasonable compensation for all assistance they may receive in discharge of their official duty by giving to each other & their assistants orders on the highway surveyors of their several districts which orders shall be received by said surveyors in payment of their several highway taxes.

Signed Nath^{l} Perkins, David Mitchell, Nathan Judd, John Haines, E. P. Tabor, *Councillors.*

Passed March 15, 1834.

Attest J. A. Mitchell, *Clerk.*

An Act to Raise and Assess a Tax for Making and Repairing Highways and Bridges

Be it enacted by the inhabitants of Indian Stream in General Assembly convened that the select men assess a tax of three hundred dollars for making & repairing highways and bridges the ensueing year to be apportioned among the several districts and paid in labor allowing to each able bodied man finding his diet & tools (leaving it discretionary with the surveyors to allow for extra tools

as they think right) one dollar per day for labor done previous to the middle of September & after that time seventy five cents per day and oxen the same.

Signed NATH^{L} PERKINS, DAVID MITCHELL, JOHN HAINES, E. P. TABOR, NATHAN JUDD, *Council.*

Passed March 15, 1834.

Attest J. A. MITCHELL, *Clerk.*

AN ACT TO RAISE A TAX FOR SUPPORT OF GOVERNMENT AND DEFRAY NECESSARY EXPENSES

Be it enacted by the inhabitants of Indian Stream in general assembly convened that the select men assess a tax of seventy five dollars to be collected & paid into the treasury by the first day of February next to be paid in wheat grass seed oats or rye at the then going price in cash or cash.

And be it further enacted that on the first day of February next the treasurer shall hand all tax bills remaining in his possession to the collector who shall collect them and all taxes collected by the collector shall be paid in cash.

Signed NATH^{L} PERKINS, DAVID MITCHELL, NATHAN JUDD, E. P. TABOR, *Council.*

Passed March 15, 1834.

Attest J. A. MITCHELL, *Clerk.*

AN ACT MAKING PROVISION FOR CONFINEMENT OF CRIMINALS

WHEREAS there is no gaol within the bounds of Indian Stream and whereas there has been & may be criminal offences committed against the peace & dignity of the inhabitants of Indian Stream by persons who after convicted thereof refuse or neglect to perform the sentence of the court before whom the s^{d} respondent was convicted and bid defiance to the Law of the land, Therefore to remedy the evils aforesaid & others which may arise,

Be it enacted by the general assembly of Indian Stream that from & after the passing of this act it shall be the duty of the sheriff of s^{d} Indian Stream and shall be Lawful for him when commanded so to do by the court before whom any criminal shall be convicted as aforesaid to confine him or them in his own dwelling house outhouse or any other building by him provided or by any of the inhabitants of Indian Stream afores^{d} until the sentence of the court before whom s^{d} respondent shall be convicted.

And be it further enacted that if any person or persons who after convicted of any criminal offence as afors^{d} and sentenced by any court lawfully authorized so to do to stand committed till sentence be performed shall behave himself hostile or attempt to make his escape it shall be Lawful for s^{d} Sheriff to bind him the s^{d} prisoner or confine him in that way he shall think most proper and convenient for his the s^{d} prisoners safe keeping without abusing him the s^{d} prisoner unnecessarily until the s^{d} sentence shall be remitted by the council of s^{d} Indian Stream and the sheriff afores^{d} directed by them to liberate s^{d} prisoner which the council are authorized to do when they think the public good requires.

And be it further enacted that the prisoner afores^{d} shall be supported by the sheriff who shall have him in custody & his property be liable for the cost of keeping & in all cases where the prisoner has not property to defray such expence the sheriff shall be remunerated for such reasonable expence by the inhabitants of Indian Stream.

Signed Nath^{L} Perkins, David Mitchell, Nathan Judd, John Haines, E. P. Tabor, *Councillors of Indian Stream.*

Passed March 15, 1834.

Attest J. A. Mitchell, *Clerk.*

An Act Authorizing the Sheriff to Appoint Deputies

Be it enacted by the General assembly of Indian Stream that the sheriff of this place shall have power to appoint a deputy or deputies under him for whose conduct in office he shall be accountable, and shall or his deputy serve and execute within this place all writs & precepts to him directed issuing from lawful authority.

And be it further enacted that it shall be Lawful for any Justice of the peace in this place to direct any writ or precept to the sheriff or either of his deputies so appointed by said sheriff, whose duty it shall be to serve the same and s^{d} deputies shall be allowed the same fees for their services as is by law allowed to the high sheriff for like services.

And be it further enacted that the sheriff shall give bond to the acceptance of the council for the faithful discharge of his official duty, and if it should so happen that the sheriff or deputy shall refuse or neglect to pay over any money or property by him or them collected on being requested by the person or persons for

whom such money was collected the creditor or creditors shall have a right to an action against the Sheriff for the same.

And be it further enacted that all writs or executions issued against the sheriff shall be directed to the coroner who shall be appointed by the assembly and commissioned by the council, who is authorized & empowered to serve & execute the same and shall be allowed the same fees as is by law allowed to the sheriff for similar service.

Signed Nath[l] Perkins, David Mitchell, Nathan Judd, John Haines, E. P. Tabor, *Council.*

Passed March 15, 1834.

Attest J. A. Mitchell.

[Resolve for a Road to Maine]

Whereas a communication has been received by this Government from Doct[r] Josiah Prescott of Farmington in the state of Maine on the subject of a contemplated road to open a communication from this settlement to the state of Maine & expressing a desire to meet a deputation from this place at or near the State line to look out and consult on the best course and most practicable ground combining shortness of distance for such road & considering the advantages that would arise to the people of this place if they could have an open road from this to the markets in the state of Maine Therefore Resolved by the inhabitants of Indian Stream in General assembly convened to appoint two men whose duty it shall be to go through and look out the best course for a road to the line of the State of Maine & if they should Judge it necessary to go as far as the settlements in the state of Maine and ascertain as near as they can the prospect of the people there making a road to the state line the distance from the line to where there is now a good road and the distance to their market & also the distance it will be necessary to cut a road from this settlement to the State line, and obtain such other information on the subject as they shall deem necessary and report their doings to the council.

And be it further resolved that the inhabitants of Indian Stream compensate s[d] committee for their time and trouble in attending to the duties of their appointment on presenting their account to the Council the same being allowed by the council shall draw an order on the treasurer for the same.

Signed Nath[l] Perkins, David Mitchell, E. P. Tabor, Nathan Judd, John Haines, *Council.*

Passed March 15, 1834.

Attest J. A. Mitchell, *Clerk.*

NOTES

[1] 4, pp. 32, 33.
[2] 4, pp. 33, 34.
[3] For the acts of 1834, C, pp. 22–27.

CHAPTER 12

The Assembly of 1835

Indian Stream, March 9, 1835.

Personally appeared Seargant Currier, David Smith, Benj. Applebee, Levi Applebee, and were duly qualified and Admitted Members of the Assembly Agreeable to the Constitution.

Alanson Cumings, *Clerk.*[1]

There are no further minutes for March 9, and there is no record of legislation for that date. Another meeting was held on April 18 of the same year, and the following acts are recorded:

An Act to Prevent Unlawful Services

Whereas Services of writs have been made in this place known by the name of Indian Stream by persons not Authorised by the Constitution and laws thereof therefore be It Enacted by the Inhabitants of Indian Stream in General Assembly Convened that if any person or persons not being A Sheriff deputy Sheriff or other officer whos duty it shall bee to Serve writs & precepts keep the peace or apprehend persons for voilating the Same duly authorised by the laws & Constitution of Indian Stream living or residing within the bounds of Indian Stream or the United States of America Shall pretend to be Any or Either of Sd officers & Shall pretend or presume to Act as Such in all or any of the duties belonging to the office of Sheriff deputy Sheriff or any other officer who is duly Authorised by the laws & Constitution of Sd Indian Stream to perform the duties afforesaid Shall upon Conviction of any Such offence forfeit & pay a fine not Exceding one hundred Dollars According to the nature & Circumstance of the offence, At the discretion of the Court before whom the Conviction Shall be one moity of which fine Shall be to the use of the Inhabitants of Sd Indian Stream the other moity for the use of any person who Shall Sue for the Same before any Justice of Sd Indian Stream and if unable to pay Shall be Confined in Goal untill Sd is paid or discharged by the Council of Sd Indian Stream

And be it further Enacted by the authority afforesaid that if any of the above Mentioned officers violations or pretended authority Shall be Committed performed acted or done in presents of any one of the Council Justice of the Peace Sheriff deputy Sheriff or any other officer whos duty it Is to keep the peace in this place & authorised by the Constitution & laws of Indian Stream So to do it Shall be the duty of that Counsellor Justice of the Peace Sheriff deputy Sheriff or any other officer of the peace as afforesaid & they are hereby authorized & Empowered to Comand or request Such assistance as is Sufficient to arrest & keep in Custody any person or persons so offending untill due process may be had by law against Such offender.

And be it Further Enacted if any person or persons Shall when So requested or Commanded neglect or refuse to Give Such aid or assistance Such person or persons on Conviction thereof before any Justice of the peace in this place Shall be find in sum not Exceding ten dollars nor less than three dollars to the use of the Inhabitants of Indian Stream & if unable to pay Shall be Confined in Goal not Exceding three months at the discretion of the Court before whom the Conviction Shall be.

Signd Richard I. Blanchard, Burleigh Blood, Wm. White, Jeremiah Tabour, *Council.*

Passd April 18, 1835.

Atest Alanson Cumings, *Clerk.*

An Act in Case of Perjury

Be it Enacted by the Assembly of Indian Stream that any person taking the oath of Allegiance to the Constitution of Indian Stream Teritory who shall Commit Perjury by violating Sd oath and Acting in Contrariety to sd Constitution his or their names shall be Stricken from the roll and Shall thereafter be renderd incapable to Give testimony in any Court within the territory of Indian Stream And Conviction of the Same before a justice Court Shall be fined not Exceding twenty five dollars nor less than one Dollar at the Discretion of the Court or justice Before whom the Conviction Shall be made.

And be it further Enacted that if any person after Conviction of Perjury by any Court Qualified to try the Same within the Teritory of Indian Stream Shall by application to the Assembly of Sd Indian Stream and obtaining a vote of two thirds of the mem-

bers of Sd Assembly to that Effect be restored to law in Admiting his testimony in the Court of Indian Stream

Signed Richard I. Blanchard, Burleigh Blood, Wm. White, Jeremiah Tabour, *Council.*

Passed April 18, 1835.

Attest Alanson Cumings, *Clerk*

An Act to Protect Officers in Their Official Duties

Be it Enacted by the Assembly of Indian Stream Convened that from & After the passing of this Act that if Any person or persons Shall Injure or hinder Any officer judical or Execitive Civil or military under the authority of this Teritory in the Execution of his office Such person or persons on Conviction thereof Shall pay A fine not Exceding one hundred dollars to be left At the discretion of the [court] before whom the Same Shall be tried one moity to the Inhabitants of Sd Indian Stream the other to the Complainant if unable to [pay] sd fine Shall be Confined in Goal untill Said Fine is paid or discharged by order of the Council of Sd Indian Stream

Signed Richard I. Blanchard, Burleigh Blood, Wm. White, Jeremiah Tabour, *Council.*

Passed April 18, 1835.

Attest Alanson Cumings, *Clerk.*

An Act to Compel Witnesses to Attend When Summoned

Be it Enacted by the Inhabitants of Indian Stream in General assembly Convened that Each witness upon being Summoned to Attend any Court to be held in this place and having four Cents per mile and thirty Cents for one half days Attendance tenderd him shall obey Said Summons of Court unless disabled by the hand of Providence under pain of forffeiting five dollars.

And Be it Further Enacted that no witness Shall Be required to attend on any Court more than Six hours unless his fees for an Additional half day are tendered him in Advance.

And be it further Enacted that all fines for nonattendance of witnesses may be Collected before any Court proper to try the Same.

And be it further Enacted that all monies So Collected to be paid into the Treasury for the use of the Inhabitants.

Signed Richard I. Blanchard, Burleigh Blood, Wm. White, Jeremiah Tabour, *Counsel.*

Passed April 18, 1835.

Attest Alanson Cumings, *Clerk.*

AN ACT IN AMENDMENT OF AN ACT IN REGULATING SHERIFF FEES

Be it Enacted by the Inhabitants of Indian Stream Convened that from and After the passing of this Act the Sheriff or his deptys Shall have Six Cents per mile for travel in performing his official duty and draw travel fees but one way.

And be it Further Enacted that no Court Shall Allow the Sheriff any fees for Attending Court unless reqested by Sd Court to Attend or Either of the Contending parties Excepting in Criminal Cases then It Shall be the Duty of the Sheriff to Attend.

Signed RICHARD I. BLANCHARD, JEREMIAH TABOUR, BURLEIGH BLOOD, WM. WHITE, *Council.*

Passed April 18, 1835.

Atest ALANSON CUMMINGS, *Clerk.*

AN ACT AUTHORISING THE COUNCIL TO DELIVER OVER IN CASES

Be it Enacted by the Inhabitants of Indian Stream in General Assembly Convened that from and After the passing of this Act in Case that if Persons Shall for any Capital Crime Such As murder or theft or forgery or any other high Crime or misdemeanor Shall Escape from any other Government & Come to this place It Shall Be the duty of the Council By Application Being made to them to Cause Such persons to be arrested After Conviction to be deliverd over to the authority Demanding the Same Provided the Complainant Shall pay the Expense of the Same

Signed RICHARD I. BLANCHARD, JEREMIAH TABOUR, BURLEIGH BLOOD, WM. WHITE, *Council.*

Passed April 18, 1835.

Attest ALANSON CUMINGS, *Clerk.*

INDIAN STREAM April 18 1835.

Personaly Apeared Amos Tyler Marcus Beacher and were duly qualified and Admited members of the Assembly Agreeable to the Constitution ALANSON CUMINGS, *Clerk.*

The above acts and minutes comprise the business of the assembly of April 18, 1835. An item of business which was presumably outside of the activities of that legislative body is indicated by the following record in the clerk's book, which is the last service to us of the original manuscripts of Indian Stream.

This may certify to all it May Concern that Isaac Lindsey and Deborah Rogers are Lawfully Joined in Marriage by

SAMUEL DROWN, *Minister.*[2]

INDIAN STREAM, April 18, 1835.
Received for Record & Recorded By
A. CUMINGS, *Regr.*

NOTES

[1] Minutes and acts of 1835, C, pp. 29–32.
[2] C, p. 335.

CHAPTER 13

Rival Claims to Indian Stream

From the character of the above recorded legislation it is evident that the course of government at Indian Stream did not run smoothly. As a matter of fact the sources of trouble already mentioned, both internal and external, still continued to exist.

The enactments relating to the support of the sheriff and courts, the provision for a jail, and the compulsion of witnesses and others to obey summonses, show clearly that the tendency of the community was continually to revert to the conditions under which it had labored prior to the adoption of the constitution, when the decisions of its courts had amounted to recommendations rather than mandates. There was no suitable place of detention, and that lack, together with the close proximity of territory outside the realm of Indian Stream jurisdiction, without doubt contributed in no small measure to disobedience.

The more aggravating source of trouble, however, was external—the ambiguous boundary line and the double interference of Canada and the United States. We have already seen that in 1831 both governments had caused Indian Stream no small annoyance, the first by asserting a claim to military service, and the second by the collection of customs duties.[1] The state of New Hampshire, too, through the authorities of Coös county, continued to attempt the exercise of jurisdiction by the serving of warrants in Indian Stream.

Of the aggressions from external sources the act of April 18, 1835, directed against the service of writs and

precepts by unlawful authority, speaks plainly, and would be evidence enough even without the support of fact.

There is, however, the recorded fact as well. In September, 1832, Moody Haynes, arrested and bound over to appear before the court of common pleas, Coös county, pleaded to the jurisdiction of said court[2] because the cause of complaint accrued "at Indian Stream and on the west side of the Connecticut river in the territory of Indian Stream," outside the jurisdiction of the court. The plea was overruled, but the case was settled.

Again, in a deposition of August 3, 1836, Luther Fuller declares that "several years since, the state of New Hampshire commenced prosecution against one Ebenezer Fletcher and some others for intruding upon lands in Indian Stream Territory."[3] The "several years since" may be understood to refer to a time at least as early as 1832.

In another deposition, dated October 7, 1836, Horace Loomis states that he has served writs in Indian Stream in the name of Coös county "from time to time until May, 1834."[4] Milton Harvey also, during the same year, went from Colebrook to Indian Stream and served process on a certain Burrill, and conveyed him to Colebrook for trial, and in February and March of 1835 served still others, but was resisted in the attempt to attach property.[5]

The events of 1834 were so irritating that on September 2 the council of Indian Stream addressed a memorial to the Attorney-General of the United States setting forth their claim to be under the jurisdiction of the general government, but not under that of the state of New Hampshire; and on the same day forwarded a petition to Sheriff John H. White of Coös

county, praying him to suspend the exercise of his authority until the boundary line should have been settled.[6]

The replies to these addresses were not such as to allay the irritation of the inhabitants of Indian Stream. Attorney-General Forsyth summed up his view by saying: "If you are within the limits of the United States, as has always been maintained by this government, it is because you are within the limits of the state of New Hampshire."[7]

The reply of the state of New Hampshire to the petition of September 2, addressed to the sheriff, was no less explicit. On September 18 Chief Justice Richardson advised Sheriff White by letter that "it will be the duty of courts to enforce the laws coextensively with the territory which the state claims," and that the "wisest and safest course will be to take the advice of the executive and follow that";[8] and on January 17, 1835, the council received from the sheriff a communication to the effect that the state intended to assert full jurisdiction over the disputed territory.[9]

With this growth of determination on the part of New Hampshire and the general government there developed among the settlers of Indian Stream a hostile attitude of mind toward the authority which had now become the main source of their disquiet. A great number of those serious-minded citizens who had framed and put into operation the constitution of Indian Stream, and had adopted (whether with perfect right or not) the view that their government constituted a territory of the United States independent of New Hampshire, became intensely excited. It is not necessary to argue that this policy of resistance was upheld also by those, not few in number, whose residence on the disputed soil was due to their unwillingness or

inability to reside under the stricter authority of recognized Canadian or American territory.

It will now be easily understood how the formation of a Canadian party of considerable dimensions was possible. The claims of the British government had never been asserted with much force or persistence. While it never lost sight of the treaty of 1783 and its reference to the northwesternmost headwaters of the Connecticut, and of the award of 1827, its interference was rare, and depended for the greater part upon the initiative of the officious Justice Alexander Rea of Hereford, just across Hall's Stream, some six miles from Fletcher's Mills, the most thickly populated place in Indian Stream. Between the two national governments it seems to have been assumed that the line had not yet been really established, and that the proper principle on which to proceed was the recognition of the authority of the party actually in possession until such time as a final adjustment should have taken place.

Those settlers, therefore, who, whether from pure motives or otherwise, resented the interference of New Hampshire, naturally developed a friendly sentiment toward Canada, the one of the two neighbors which had caused them less trouble, and which, on the whole, seemed also the less likely to give them trouble in the future. When the reply of the Attorney-General of the United States had been received, and hope of recognition by the general government had disappeared, an address was prepared and forwarded to the Governor of Lower Canada, by a separate committee according to one authority,[10] or by the council itself according to a report of Adjutant-General Low dated November 16, 1835.[11] The address stated that "whereas said inhabitants are unable to defend ourselves against said state, we, the undersigned, in behalf of said inhabitants,

pray Your Excellency to take our case under your wise consideration, and grant us such relief as you in your wisdom shall judge proper and just, for we expect new invasions."[12] This petition, according to General Low, had been signed by sixty out of the seventy-five voters of Indian Stream.[13] The *New Hampshire Patriot* of May 16, 1835, refers to sixty-four signers, and to official assurance given them from Canada that they would be protected against aggression the same as other British subjects.

Even prior to this time there is evidence that there existed a Canadian party of some strength in the settlement, and that there was also a party determined to hold the disputed territory for New Hampshire. The population had resolved itself generally into two hostile factions. Those who favored the state called themselves "the New Hampshire boys."

In the early part of 1834, not long after the purchase of the mill property by Luther and Asa Parker, and their removal from the Lake farm to the neighborhood of Fletcher's Mills, near the mouth of Back Lake brook, a company of Canadian sympathizers appeared one morning at the store, which was in the front part of the Parker residence. Charles, the seven-years-old son of Luther Parker, told his father of their presence. After a brief scrutiny of the company through an aperture in the door which led from the living rooms to the store, Luther Parker entered the store, took his usual position behind the counter, reached for his rifle, and laid it down before him. In a moment Asa Parker also entered, carrying two horse-pistols, took a position beside his brother, and laid his weapons on the counter beside the rifle. The two stood there, Luther Parker idly rolling a ball into and out of his rifle-barrel, until their visitors, convinced that the intended attempt at arrest was hopeless, left the place.

It was not long after this incident that Luther Parker carried from his mill yard to the rear of the house and store, for safe keeping, the lumber of an inhabitant who was indebted to him, and would give no assurance of a discharge of the obligation. The ire aroused by this and the store incident was the prime cause of an event which soon followed.

Sometime during the spring word was brought Mr. Parker from a certain Thurston, who lived some distance up the Connecticut, that he had reason to think that a Canadian party meant to arrest him that night, and that he wished Mr. Parker to come and stay with him. Mr. Parker armed himself and started. As he was proceeding along the river road, suddenly, in the dark between the forest fringes of the road, he met several men. Stopping momentarily to accost them, he found himself held firmly in their grasp.

"You are under arrest," they said.

"In whose name?" he asked.

"In the name of the King," they replied.

His captors conducted him back to his home. where they allowed him to change his clothes and make some provision for an absence.

His rifle stood at the head of the bed as he made his change of clothing. One of the men took it up.

"Put that gun down!" said Mr. Parker.

The man still held the gun.

"Put that gun down, I say," said Mr. Parker a second time, with deliberate emphasis; "and I'm not going to tell you again."

This time the man put the gun back in its place.

Alletta Parker was in the other room, where one or two men remained. One of them was Emor Applebee from the mouth of Perry Stream. "The old lion is beginning to roar," he said to her, maliciously.

Mr. Parker's captors proceeded with him down the road and west toward Hall's Stream and Canada. As they passed Fletcher's Mills, less than a mile from his own mill, he called to Kimball Fletcher, then twenty-four years old, to run down to Clarksville and get someone to go to Colebrook for a lawyer. The story of Fletcher's adventure on the way to Clarksville in the rain and dark is told by himself in the Fergusson history of Coös county.[14]

Mr. Parker was taken into Canada and released on bail. About three months afterward he appeared before the justice at Sherbrooke and conducted his own case. The charge against him, whose particulars he now learned for the first time, was assault and battery upon the person of a subject of His Majesty. He confronted the complainant, one Jonathan C. L. Knight, and in short time proved to the satisfaction of the justice the flimsy nature of the complaint, and was immediately discharged. One day, in his own mill yard, he had declared to Knight that if necessary he would resort to force in order to keep Indian Stream for New Hampshire. Knight charged that Mr. Parker had drawn a knife on him. The evidence showed that Mr. Parker had been merely engaged in whittling as he talked, and Knight himself, on examination by Mr. Parker, admitted the fact. On Mr. Parker's return from Sherbrooke on bail, the lumber above mentioned had been taken from his yard.

From these events may be seen Luther Parker's position as a partisan of New Hampshire in the Indian Stream troubles. At first a framer and supporter of the constitution, he had been compelled by the continued resistance of the refractory element in the population to foresee the impossibility of the survival of the Indian Stream government, or of law and order of any kind

without the support of external authority. Having come to this conclusion, he became an active supporter of the claim of New Hampshire, and a leader among the "New Hampshire boys." Probably some time in 1834 he drew up and secured signatures for a petition addressed to the state government, and in person laid it before the Governor at Concord.

These facts make clear the animus of the accusations against him contained in the report of the Canadian commissioners to Indian Stream, which was printed in November, 1836, together with the report of the American commissioners. This report credits Luther Parker with having, among others, taken the oath to support the constitution of Indian Stream, and having been elected a member of the council, "but, having through misconduct forfeited the confidence of the inhabitants, they ceased to elect or promote him to any office under the constitution, in consequence of which he became dissatisfied, transferred his allegiance to the gov't of New Hampshire, and has ever since by misrepresentations to that gov't and by all other means in his power continued to harass and disturb the peace of the inhabitants of Indian Stream, and, leagued with five others, he forwarded a petition for protection to the gov't of New Hampshire falsely purporting to be a petition of the inhabitants of Indian Stream, but in reality signed by certain inhabitants of Colebrook, Stewartstown, and Clarksville in the state of New Hampshire." The report also calls His Excellency's attention "in an especial manner to Ephraim C. Aldrich and Luther Parker, inhabitants of Indian Stream," the latter as "a spy and general disturber of the peace."[15]

As to Luther Parker's having forfeited the confidence of the people, the minutes of the assembly from 1832 to 1834 are sufficient to disprove the assertion, even

without the record of his activities in the actual conduct of the Indian Stream difficulties with Canada.

NOTES

[1] See p. 54.
[2] Report Indian Stream Com., pp. 219, 220.
[3] *Ibid.*, p. 204.
[4] *Ibid.*, p. 216.
[5] *Ibid.*, p. 223.
[6] Aldrich, p. 386.
[7] *Ibid.*
[8] *Ibid.*, p. 387.
[9] *Ibid.*, pp. 387–388.
[10] *Ibid.*, p. 387.
[11] *N. H. Patriot*, Nov. 16, 1835.
[12] Aldrich, p. 387.
[13] *N. H. Patriot*, Nov. 23, 1835.
[14] Hist. Coös Co., p. 704.
[15] Report, pp. 184–186; cf. 244.

CHAPTER 14

The Indian Stream War

These difficulties finally came to a head in 1835. On March 12 Deputy W. M. Smith attempted the arrest of Clark J. Haynes and Reuben Sawyer of Indian Stream in the name of New Hampshire, but was beaten and driven out. On March 13 Milton Harvey of Colebrook met with resistance in the service of a writ and attachment of property in the same territory. "The persons against whom I had process, and others accompanying them, claimed to be independent, to be an independent government not belonging to the governments of Great Britain or the United States, independent of either until the line was settled," says his deposition.[1]

The assembly of 1835 had convened on March 9, a few days before these events. Probably as a result of the Smith and Harvey incidents, and the excitement caused by them, the assembly came together again on April 18 and passed the acts on unlawful serving of process, etc., whose significance has already been recorded. In June the state legislature listened to a special message from Governor Badger, and as a result passed a resolution to the effect that the state continue to assert its authority over Indian Stream, and "the Governor be requested to render all necessary aid to the executive officers of the county of Coös in causing the laws of said state to be duly executed within the limits of said territory."[2]

Governor Badger thereupon caused Adjutant-General Joseph Low to issue an order, whose consequence was

the encampment at Stewartstown, the nearest base to Indian Stream, in August, of Captain James Mooney and the Sixth company of the Twenty-Fourth regiment of militia, to be in readiness to support Sheriff White in the serving of process in the troubled country. Captain Mooney's company consisted of fifty men.[3] They were not actually called upon until November.

About the first of October Justice Alexander Rea of Hereford sent to Jeremiah Tabor and others of Indian Stream a letter "requesting them to notify the inhabitants that he should meet them at a schoolhouse in the settlement on the following Saturday at 4 P. M., and also on the Sabbath following at another schoolhouse in the settlement at 1 P. M., if it was thought best, and that he would meet them and lay before them more communications from his government." At the meetings the inhabitants were assured through these communications that they would be protected against encroachments on the part of New Hampshire, and it was suggested that they communicate their thanks in writing to Governor Earl Gosford of Lower Canada, and ask further assistance. A committee was also appointed to nominate candidates for appointment as justices of the peace.[4]

On or about the first of October, also, Deputy William M. Smith of Stewartstown, taking with him for purposes of identification Milton Harvey of Colebrook and Richard I. Blanchard, one of the "New Hampshire boys" who lived several miles north of Luther Parker's mill, came into Indian Stream with a writ against John H. Tyler in favor of William Buckminster of Danville, Vermont. Tyler was arrested, but refused to show property for attachment, and while proceeding in company with his captors was met and rescued by Emor Applebee and two sons, Alanson Cummings, clerk pro tem. in the last

assembly, another Tyler, J. C. L. Knight (the same who had caused the arrest of Luther Parker the year before), and two others. The deputy returned the writ to its court, and by advice of Sheriff White advertised a reward of five dollars for the arrest of Tyler and his delivery at the jail in Lancaster, the seat of Coös county.[5]

This was not all. On the twenty-second of October Richard I. Blanchard, who had assisted Deputy Smith on the occasion of Tyler's arrest, was taken from his house early in the morning by Zebulon Flanders, Zaccheus Clough, and the same John H. Tyler who had escaped arrest a short time before. They had one gun among them, and a warrant issued by Alexander Rea in the name of the King,[6] on the ground that Blanchard had been concerned in an unlawful attempt to arrest Tyler, a subject of His Majesty.

Blanchard's fourteen-years-old son spread the alarm, running down the river road and stopping at the Parker home, among others. As Blanchard was conducted along the same route shortly afterward, and was passing the Parker place, Alleta Parker stood in the doorway. "It's my turn now, you see, Mrs. Parker," he called out to her.

"I'm sorry, Mr. Blanchard," she replied, and added significantly, "I hope you'll not be gone long."

At the alarm from Blanchard's son Luther and Asa Parker, Clark J. Haynes, and others of the New Hampshire party had immediately started across the river for Clarksville, Stewartstown, and Colebrook to rouse the country. Clark Haynes went to Clarksville and got Miles Hurlburt, who started for Indian Stream with Joseph Wiswall and John Harriman, halted at the house of Ebenezer Fletcher at Fletcher's Mills, and were there joined by Ephraim Aldrich, Oliver Wash-

burn, and Blanchard's son. This party proceeded west across Indian Stream and Hall's Stream to the town of Hereford, and overtook the party having Blanchard in charge, now grown to twelve or fifteen, taking dinner at the house of Bernard Young. Finding the enemy too strong they made no attempt at a rescue, but went south to Canaan with the intention of intercepting the company before it should reach its destination at the home of Alexander Rea. At Canaan they found assembled about a hundred armed and excited men.[7]

Meanwhile Luther and Asa Parker had reached Colebrook, got John M. Hilliard, Samuel Weeks, Jr., Horatio Tuttle, Thomas B. Blodgett, and Thomas Piper, and ridden to Canaan, where they arrived in the afternoon and found the party assembled as above stated. Milton Harvey now appeared from the direction of Indian Stream with the news that the Canadian party and Blanchard were to pass over Hereford hill two miles away, and that it would be possible to meet them.[8] A party of about eight was thereupon quickly formed, armed and on horseback, consisting of Ephraim H. Mahurin, J. M. Harvey, Joseph P. Wiswall, James M. Hilliard, Horatio Tuttle, Thomas B. Blodgett, Samuel Weeks, and Miles Hurlburt. Others went another way.[9] Luther Parker gave his pistols to Ephraim Aldrich and remained at Canaan.[10] Asa Parker was among those who rode on, either then or subsequently, and took his brother's horse.

This company overtook the Canadian party, effected the release of Blanchard without resorting to violence, and returned to Canaan to the store of Parmelee & Joy, the headquarters of the day.[11]

Elated by success, someone in the company of excited settlers now called attention to the fact that Tyler had

been among the party who carried off Blanchard. Taking from the hand of Deputy Smith the above mentioned advertisement offering five dollars reward for his arrest, Ephraim Aldrich and Miles Hurlburt started back into Canada to take Tyler. On reaching Alexander Rea's neighborhood they were confronted by the angry justice, who ordered them off the King's highway, and loudly called on a dozen men or so about him to take them.

What then occurred may be narrated by Hurlburt himself, whose deposition reads as follows:

I then presented my pistol to said Rea and told him to keep his proper distance, for I should not be taken by him, for if he came any nearer he should take the contents of my pistol. Said Aldrich then spoke and said to Mr. Rea, "I should advise you not to go any farther for he may hurt you." Rea then turned towards said Aldrich and ordered Bernard Young to take said Aldrich's horse by the bridle, and upon Young and Rea attempting to take Aldrich he defended himself with his sword. Immediately upon this Rea and the party with him commenced throwing stones as rapidly and violently as possible, two of which hit me with great force, when I discharged the pistol which I had with me, and not before, at the assailants. In firing my pistol I did not aim at anyone in particular, and did not think of hitting anyone, but I did it more for the purpose of frightening them. About this time there were thirty or forty more of the party which I left at Parmelee & Joy's store came in sight, when said Rea and those with him immediately took to flight, Rea running for the woods and Aldrich after him. When I came up with Aldrich and Rea, Aldrich had Rea down, Aldrich having one hand hold of the collar of Rea's coat, and one hand hold of the hilt of his sword, and Rea having hold with both his hands of the blade of Aldrich's sword, with the point of it sticking into the ground, and Aldrich was kicking Rea in the side. When I came up Rea was saying, "I surrender," and Aldrich replied, "Then God damn you, let go of the sword and I will let you alone." Dr. Tirrell at the same time came up and remarked to Aldrich, "He says he surrenders. Why don't you let him get up?" Aldrich again replied, "If he will let go the sword I will." And Dr. Tirrell remarked to Rea, "If you will let go the sword I will guarantee that Aldrich will not hurt you;" whereupon Rea let go the sword, and Aldrich let him get up, and we

took him and put him into the wagon and carried him down to the store of Parmelee & Joy in Vermont. While this skirmish was carried on I heard four or five guns fired, one of which I fired, as before stated.[12]

In this mêlée Young was wounded in the groin by a pistol shot, and Rea was wounded in the scalp by a sabre. Miles Hurlburt and Joseph P. Wiswall alone of the expedition that took Blanchard back to Vermont were among the company that took Rea. They brought him to Canaan, about a mile and a half from his home, dressed his wound, and sent him back.[13]

Such was the excitement that was roused by this event, and such the apprehension, that the soldiers who had assembled at Stewartstown in August under Captain Mooney were now ordered by Adjutant-General Low into Indian Stream. "Upon consultation with the high sheriff, Col. Young, Gen. Loomis, Gideon Tirrell, Esq., Luther Parker, and others who accompanied me here," he reports from the scene of disturbance, "I had no doubt of the expediency of ordering the colonel of the 24th regiment to detach one captain, one lieutenant, one ensign, four sergeants, two musicians, and 42 privates, and to place them at the disposal of the sheriff of the county of Coös."[14]

This force marched into Indian Stream in November, the declared purpose of the movement being to "enable the executive officers of the county of Coös to execute the laws and put down all insurrectionary movements."[15] Captain Mooney and his men were for some time quartered at the home of Luther Parker, the men tenting in the yard, and many of them sleeping in the house. The captain himself was quartered in the house, whose inmates long retained a pleasant image of him, reading during his spare hours, and at the same time rocking with one foot the cradle of the Parker baby, Amanda Melvina, born September 8 preceding.

A guard was stationed at Fletcher's Mills, where the bridge led to Clarksville and the south, and at other places of approach, and no one was allowed in the territory who could not give a proper account of himself. When the Canadian commissioners desired to traverse the settlement, they encountered difficulty. "In our progress thro' the Indian Stream settlement," they report, "in the prosecution of our enquiry we were stopped on the highway near the house of one Fletcher by a military guard composing a part of the force above mentioned, who at the point of the bayonet commanded us to stand, and would not permit us to pass, altho' made aware of the authority under which we were acting."[16]

The military operations of Captain Mooney at Indian Stream were brief and decisive. On the night of November 13, having heard that the house of Emor Applebee, several miles to the north at the mouth of Perry Stream, was the shelter of a number of troublesome partisans, he advanced with twenty men and surrounded it. Applebee, awakened toward daybreak by the running and snorting of his colts in the yard, came to the door and attempted resistance, but found twenty rifle-barrels pointed at him, among them that of Asa Parker, and surrendered. Mrs. Applebee, who attempted to escape and alarm their friends, was captured before she could accomplish her purpose, and the Applebees, father and son, were taken to Lancaster to jail, where the younger remained about six months and the elder a year.[17] As he was conveyed past the Parker home Mrs. Parker, remembering her experience of the year before, could not resist the temptation to call to him: "Well, Mr. Applebee, the old eagle is beginning to scream."

At the approach of colder weather barracks were constructed for the troops at Fletcher's Mills. By Jan-

uary 29, 1836, General Low advises Sheriff White that the Canadian government has assured the state of New Hampshire that it will not interfere further until the boundary line is settled by the proper authorities.[18] On Monday, February 1, the *New Hampshire Patriot* recites that it has received from General Low documents relating to Indian Stream, and that there have been no further disturbances, except a visit of the Canadian commissioners on December 29, who, "after tarrying a short time retired without making any indication of their design." "General Low will go there in person and arrange for the presence of troops till the legislature acts, or until a settlement of the dispute shall have been reached." Reference is also made to the receipt of the above mentioned assurance from the British government.

This assurance was no doubt the prime cause of the removal of the troops, which took place on February 18.[19]

The same month Earl Gosford, Governor of Lower Canada, complained and protested to Charles Bankhead, Chargé d'Affaires for Great Britain at Washington, and transmitted the report of the Canadian commission which had investigated the condition of Indian Stream, and signed its findings at Lennoxville on January 1.

In June the New Hampshire legislature once more passed resolutions expressive of a determination to maintain its claim, and on the 18th authorized the Governor to appoint a commission to visit Indian Stream and make a thorough investigation. Joseph Low, Ralph Metcalf, and John P. Hale composed the commission, and in his message in November Governor Badger announced to the legislature that their report was in his hands. It was printed over the date of Novem-

ber 23, 1836, and contained also the report of the Canadian commission, and some of the correspondence between the state departments of Great Britain and the United States which ensued after the Canadian investigation.

Before the report of the commissioners to Indian Stream had been published, however, the Parker family had left New Hampshire. The last recorded mention of Luther Parker at Indian Stream occurs in the *New Hampshire Patriot* of May 16, 1836, which gives a column to the report of a meeting of the citizens of Stewartstown, Clarksville, and Indian Stream, held on April 16 at the Clarksville schoolhouse to consider the condition of Indian Stream. At this meeting a committee appointed at a previous meeting on April 2 reported the following resolutions:

Resolved, Therefore, that in the opinion of this meeting, New Hampshire has a right to exercise an unconditional control over the territory of Indian Stream.

Resolved, That our national government is bound to support the pretensions of New Hampshire in her claim to the territory of Indian Stream, inasmuch as it has in repeated instances been recognized by that government.

Resolved, That we highly approve of the measures adopted by our last Legislature in relation to Indian Stream, and the evidence of adhering strictly to those measures evinced by the Executive of the State in carrying them fully into effect.

Resolved, That in the opinion of this meeting, Adjutant-General Joseph Low is entitled to the gratitude of the citizens of this State for the prompt and efficient manner in which he has carried into effect the orders of the Executive in relation to Indian Stream.

On motion of Luther Parker, Esq., Resolved, that Captain James Mooney, his subalterns and soldiers who were under his command stationed at Indian Stream, are entitled to the thanks of their fellow citizens for their prompt and patriotic exertions in supporting the honor and dignity of the State.

Voted, that the foregoing report and resolutions be signed by the chairman and secretary and published in the *New Hampshire Pa-*

triot, and in the *New Hampshire Statesman and State Journal* printed at Concord.

GIDEON TIRRILL, *Chairman.*

JOSEPH WISWALL, *Secretary.*

From this report, as well as from the removal of the troops, it is evident that Indian Stream had by this time settled itself to the policy of obedience to New Hampshire, and had entered upon its first period of assured quiet.

On December 10, 1840, the town of Pittsburg was incorporated, containing the territory of Indian Stream, the Carlisle Grant, the Colebrook Academy Grant, and sixty thousand acres of state lands.

In 1842, section 1 of the Asburton treaty defined the international boundary as beginning at the head of Hall's Stream, and thus brought to a conclusion the long dispute. Since its incorporation Pittsburg has enjoyed unbroken peace and prosperity, and is a favorite resort during the summer weeks and the hunting season.

NOTES

[1] Report, p. 223.
[2] Aldrich, p. 388.
[3] *Ibid.*, p. 389.
[4] Report, pp. 214, 215.
[5] *Ibid.*, pp. 220–222.
[6] *Ibid.*, p. 224.
[7] *Ibid.*, pp. 223–226.
[8] *Ibid.*, p. 233.
[9] *Ibid.*, pp. 227, 228.
[10] *Ibid.*, pp. 233, 234.
[11] *Ibid.*
[12] *Ibid.*, pp. 230, 231.
[13] *Ibid.*, pp. 243, 244.
[14] *N. H. Patriot*, Nov. 23, 1835.
[15] Report, p. 236.
[16] *Ibid.*, p. 186.
[17] Cf. *N. H. Patriot*, as above.
[18] Aldrich, p. 392.
[19] Report, p. 236.

CHAPTER 15

The Wisconsin Pioneer

Early in May, 1836, Luther Parker left Indian Stream for the wilderness of southeastern Wisconsin.

During the preceding year Alvin G. French of Brunswick, Vermont, a brother of Alletta French Parker, had settled on the virgin acres of the new country in what became the township of Pleasant Prairie, a few miles west of the present city of Kenosha, a settlement then known as Pike River. The effect upon a son of rugged Indian Stream of Mr. French's accounts of those beautiful tracts of soil, generous and peaceful, unencumbered by heavy timber, and yet not treeless, may easily be imagined. Add to this the turbulence through which Luther Parker had passed in New Hampshire, the still surviving uncertainty as to whether the inhabitants of Indian Stream were finally to be Americans or Canadians, the losses he had suffered through bad debts, and the lingering rancours of a prolonged and bitter contest, and it does not seem strange that he listened to the call of the unopened West in spite of the triumph of his cause at Indian Stream and the advent of peace.

"Ten years of my life gone for nothing!" he is said to have exclaimed, as he drove out of the Indian Stream country by the road that led over the hill to Clarksville and the southwest.

Setting his affairs in order as far as possible by leaving his stock in trade, lands, and the major part of his other belongings in the hands of a friend in Clarksville and of his father in Temple, Luther Parker conveyed

his family and scant goods by covered wagon as far as Whitehall, New York, on Lake Champlain, where he started them on their journey by canal through Troy to Buffalo, from Buffalo to Detroit by steamboat, from Detroit to Milwaukee through the lakes by schooner, and from Milwaukee to Pleasant Prairie by wagon. Alletta Parker's brother, Thomas Giles French, and her sister Eunice accompanied her from Vermont, and Asa Parker joined the party at Troy, New York. Giles French and Asa Parker, having heard of choice lands near Milwaukee, returned thither with the wagon that had conveyed the family to Pleasant Prairie.

After parting from his family at Whitehall Luther Parker, with horses and covered wagon and a small equipment of goods, set out for the same destination. The journey was long and arduous. The condition of the roads, or rather the lack of roads, at some stages of his progress was such that on many days he could look back at nightfall to the spot on which he had encamped the previous night. When he finally arrived at Alvin French's at Pleasant Prairie it was about the twentieth of July, and his family had long been awaiting him.

With characteristic energy he made a claim to land not far from Alvin French's, and made provision for the breaking of sod. Meanwhile, however, Asa Parker and Giles French had reported especially attractive lands about fifteen miles to the southwest of Milwaukee, where they had made claims, the former on the south half of the northeast quarter of section two in the town of Muskego, and the latter on the south half of the southeast quarter of the same section. Asa Parker's shack was at the site of the present Tess Corners, and Giles French's bark wigwam near a mineral spring about eighty rods to the west. After a short time at

Pleasant Prairie Luther Parker mounted his horse and rode northward to view the country where his brother and brother-in-law had settled. With water power in mind, as was natural for one who was familiar with the upper waters of the Connecticut, he rode beyond them several miles to the west, found Little Muskego lake, explored it, discovered the outlet, and at the shore where it left the lake located a claim of three hundred and twenty acres, the south half of section nine, town five, range twenty, east.

In January, 1837, six months after their arrival in the West, the Parker family, husband, wife, one son nine years old, and three daughters, Persis Euseba, Ellen Augusta, and Amanda Melvina, aged seven, four, and two years, moved into the log cabin which Luther Parker had constructed on the wooded south shore of the lake. Giles French and Asa Parker had settled before him, but were both in temporary quarters and without family. Another settler, named Fields, had erected a cabin in the neighborhood, but had not occupied it with his family until later in the winter. Luther Parker may therefore be recorded as the first permanent white settler in the township of Muskego.

The Parker family remained in the log cabin three years. In 1839 Mr. Parker sold his claim to Anson H. Taylor for $800, but continued to reside on it until the spring of 1840, when he occupied a two hundred and forty acre holding to the south of Giles French, which had been abandoned, the northeast quarter and the east half of the northwest quarter of section eleven. The Muskego lands in this neighborhood were varied; there were heavily wooded parts, oak openings, and meadows. Here he resided until his death in 1853.

Luther Parker's capacity to endure hardship and privation found its second opportunity for demonstra-

tion in the Wisconsin wilderness. The stern conditions of the pioneering life of that period are so well known that they require no description here. There was the usual cabin of logs, with chinks through which the wind blew and the snow sifted, and with the old-fashioned fireplace and the danger from fire that accompanied it. There was the hard work of clearing, and the laborious two-day trips to Milwaukee by Indian trail, for the sack of flour and pork and other necessities to supplement the scant product of the first years of tillage. There was the need of skill and patience in the slow making by hand of everything that there was no money to purchase. The shoemaker's kit which he had used during his apprentice days at Stoneham Mr. Parker kept and used all his life.

There was the lack of medical conveniences, too, but not the lack of death. Little Amanda Melvina, the child born September 8, 1835, at Indian Stream, died of the fever in the Muskego cabin on August 8, 1838, and was buried on the shore of the lake. The grave is within the limits of the present Muskego Lake resort, but has long since been obscured.

Luther Parker's capacity for leadership, also, was displayed again in the new country. His natural ability, as well as the education he had received at Temple, Stoneham, and New Ipswich, his teacher's experience at Stratford and elsewhere, served him here as well as at Indian Stream, and the varied experiences in affairs through which he had passed in northern New Hampshire fitted him for similar experiences in Wisconsin.

In the land sale of 1839, which took place at public auction in Milwaukee, Mr. Parker was entrusted by all the squatter sovereigns of the townships of Franklin and Muskego with the bidding in of their claims. The settlers, who were now first to acquire actual title, had

previously met and agreed not to bid against each other, and it was also well understood that no bidding by land speculators was to be tolerated. Mr. Parker appeared in the auction room with a list of his neighbors' holdings in his hand, and as each holding was described by the auctioneer, he simply said, "$1.25 per acre," and at the close of each day's sale the certificates were made out and the cash paid over. Only one attempt at bidding by a speculator was made during his attendance on the sale. The bidder, who wished to get possession of an improved holding, found himself so boisterously jostled and crowded that, though it was all seemingly accidental, he was glad to be allowed to leave the room.

Mr. Parker's considerable legal knowledge was also called into action in the drawing of contracts and other papers, and in court work. He was justice of the peace for several terms, and tried many cases, and frequently conducted the cases of his neighbors in court when not in office. His law library was a scant book or two—Blackstone's Commentaries, Cowan's Treaties, and the New Hampshire form book—but they served large purposes in those days.

He was a leader also in the educational affairs of the new settlement. The first school in Muskego came into existence in the fall of 1839, a little to the south of Tess Corners, and was built and supported by those of the settlers who were interested. Here is the letter of one of its pupils, Luther Parker's son Charles, which affords a vivid picture of the manner of education in the wilderness:

The schoolhouse was 14 x 16, of logs covered with shakes. It had two windows, rough green oak boards for floor, and seats of basswood slabs. On each side, where a window lighted a desk-like shelf against the wall, sat the larger pupils, with slates or writing-books, on a long bench, their backs to the teacher and the school. A little sheet-iron, barrel-shaped stove did the heating. It was

brought all the way from New Hampshire by my father in his covered wagon, and donated to the school by him. The building and the school were a private enterprise, a free contribution by the few families, mostly New Englanders, who had children. It stood a little south of the present Tess Corners, and was built in the fall of 1839. Ellen, Persis, and I had to go two miles, as we lived the farthest west in the settlement. A Miss Hale taught the winter school. She was paid the generous sum of two dollars per week, and boarded round. All did their best the week the schoolma'am was with them; but there was no butter or milk in most places. Honey was substituted for both.

Two or three years after that the town organized the first school district. Sometimes a fairly qualified teacher was secured; often otherwise. One was an old man from New Hampshire; my father and he had been schoolmates. He was well qualified for the work, but we soon began to wonder why he went out every half hour, and, boylike, we began to hunt; and one day—it was snowing—as soon as he returned from one of his outings, I asked to go out, and, following his tracks, found hidden in the snow a pint whiskey flask. Then the boys had their fun. As the days passed he used to get rather the worse for the flask before the close of the day, and the boys began to cut up, until father, who was clerk, found out, and told him he must give up the whiskey or resign. It was a little better after that.[1]

NOTE

[1] Written at River Falls, Wisconsin, March 17, 1911. Charles Durham Parker was born at Indian Stream Dec. 27, 1827. On Nov. 8, 1853, he was married to Angeline Flora Southworth at Muskego, in 1859 settled at Pleasant Valley, St. Croix county, Wisconsin, was member of the assembly in 1869, Lieutenant Governor in 1874–8, served twelve years on the state board of control, and three years as a university regent. He has lived in River Falls since 1895.

CHAPTER 16

The Territorial Legislature of 1846

In the election of 1845 Luther Parker was chosen a member of the territorial legislature of Wisconsin, representing part of Milwaukee county, which then included what was to become Waukesha county. Its two branches were at that time called the council and the assembly. With Luther Parker in the assembly were Samuel H. Barstow of Prairieville, later called Waukesha, and W. H. Thomas of Lisbon. In the council were J. H. Kimball of Prairieville, and Curtis Reed of Summit.[1] Henry Dodge was Governor.

The legislature met on January 5, 1846, with thirteen members in the council and twenty-six in the assembly. On Wednesday, January 7, the Speaker announced his committees. Luther Parker was appointed a member of the committees on schools and on engrossed bills, and chairman of the committee on agriculture and manufactures.

On the 14th Mr. Parker presented the petition of Thomas Steele and thirty-two others, praying for an act to amend an act to authorize the commissioners of highways for the towns of Genesee and Maquango (Mukwonago) to lay out and alter a territorial road named therein. On the 16th he moved that the bill to incorporate the city of Milwaukee be referred to a select committee consisting of the members from Milwaukee county. On the same day he also presented the petition of H. Van Vlick and thirty-six others, inhabitants of Milwaukee county, asking for a division of said county, and also four other petitions of other inhabitants on the same subject.

The presentation of these petitions was the formal beginning of Luther Parker's principal effort for his constituents. He had been elected on the issue of the division of Milwaukee county. Samuel Barstow labored with him in the same cause. On the same day on which the Parker petitions were presented Mr. Barstow presented two petitions of the inhabitants of Milwaukee county on the same subject, and introduced the following resolution, which was adopted:

> Resolved (the council concurring), that all petitions and remonstrances relating to the division of Milwaukee county be referred to a joint select committee consisting of the delegates from that county of both houses of the legislative assembly.

Mr. Barstow also gave notice that he would, on the next day, ask leave to introduce a bill for the division of the county of Milwaukee, and for the formation of a new county.

On the 17th Mr. Parker presented one, and Mr. Barstow four more petitions on the same subject. On the 19th Mr. Barstow presented two, and Mr. Parker several. On the 20th Mr. Parker presented the record of the proceedings of a meeting of the citizens of Muskego, relating to the division of Milwaukee county, and Mr. Barstow, after the presentation of two petitions on the same subject, was given leave to introduce a bill to provide for the division of the county of Milwaukee, which was read the first and second time the same day. On that day the council also concurred in Mr. Barstow's resolution of the 16th.

On the 21st each of the two presented a petition on the usual subject. On this date Mr. Parker also presented a petition from citizens of Milwaukee county asking for incorporation of the Milwaukee and Mississippi Railway, and a bill to incorporate Carroll College was reported passed by the council. It was about this

time that the agitation for better carrying facilities was rising. In this one session bills were introduced affecting a Milwaukee, Madison, and Mississippi Railroad Company, a Sheboygan and Mississippi Company, a Milwaukee, Madison, and Mississippi Company, and a Lisbon and Milwaukee Plank Road Company.

On the 23d Mr. Parker, for the committee on agriculture and manufactures, to whom the subject had been referred, reported a bill to amend an act entitled, "An Act to Establish the Rate of Toll for Grinding." On the 23d, 24th, and 26th Mr. Barstow presented more petitions, and on the 26th Mr. Magone presented a remonstrance from inhabitants of Milwaukee county.

On the last named date the bill for division was reported by the committee of the whole with amendments. Mr. Magone's motion that the bill be referred to a select committee having been lost, the amendments were concurred in. Further amendments by Mr. Magone and Mr. Thomas of Lisbon were rejected, and second attempts made by both met a like fate.

On the 28th the assembly sat as committee of the whole, with Mr. Parker in the chair, but adjourned at the news of the burning of Councilman M. M. Strong's home in Racine, with his wife and children.

On the 30th the council reported the passage of 32 (H. of R.), Mr. Barstow's bill for division. A bill for the incorporation of Prairieville, reported by the committee of the whole on the same date, was passed on the following day.

The act of division was approved on January 31, the same day. On Tuesday evening, February 3, 1846, the legislature adjourned, after a session of four weeks and two days.

The act for division provided for the submission to vote of the inhabitants of the sixteen townships of Mil-

waukee county which lay west of range twenty-one, the question of their separation and erection into the county of Waukesha. The vote was to be taken at the spring election of the same year.[2]

The winning of the fight in the legislature, where the opposition was considerable, was only the beginning of the campaign. The real struggle took place in the sixteen townships, which were given the privilege of deciding for themselves.

The campaign was heated from the first, and toward the end became charged with bitter animosity, and even abuse. The committee in charge of the interests of division was composed of William A. Barstow, Alexander W. Randall, James Y. Watson, Andrew E. Elmore, A. F. Pratt, and Luther Parker. Messrs. Turner and Hunkins were also active, and many others. In March the committee published the first number of a sheet called *The Waukesha Advocate*. The second issue is dated March 23, 1846, at Prairieville, W. T., and is prefaced by the words, "Divided We Stand, United We Fall." It contains a call addressed to all the voters of the proposed county for a convention to be held at the Junction House, Brookfield, on April 2, to discuss the question of division, and is filled to the limit with argument and exhortation.

On March 27, by way of reply, appeared *The Unionist*, printed in the office of the *Milwaukee Courier*. It contains the copy of a call for an anti-division convention, to be held at a private house in Genesee, and attended by five delegates from each town, and also a report of the proceedings of the convention, at which a committee was appointed to prepare an address representing the views of the opposition to separation. The address also is printed. It fills nine columns, and is signed by the committee, A. L. Castleman, Curtis

Reed, John S. Rockwell, Leonard Martin, Jesse Smith, and E. W. Edgerton.

The burden of argument on both sides is largely financial. Milwaukee county, including the proposed Waukesha county, had at that time a population of 25,000, and the town of Milwaukee itself 10,000. The taxable property of the whole area was estimated at $1,652,201, seven-eighths of which was real estate. The party for division insisted that the sixteen townships were contributing far in excess of their just share of taxes. "The secret of the opposition to division among our Milwaukee friends," says *The Advocate*, "is this: that they know they will have to support their own officers, build their own jails and poorhouses, and pay their own taxes." The anti-division party, on the other hand, dwelt upon the expense of a doubling of all the machinery of government in the territory concerned, the cost of transcription of records, and of extra public buildings.

Charges of bad faith, and even personalities, are not wanting in *The Unionist* columns. Under the caption, "The Ebbings and Flowings of Patriotism," it prints:

> It is said that if certain gentlemen in the proposed new county had succeeded in obtaining certain official stations to which they have been aspiring for the last three years, the division of Milwaukee county would never have been heard of. Whether this is true to the extent asserted we cannot say, but this much we can say, and know to be true, that these defeated aspirants urged upon their personal friends in the legislature the division of the county, on the ground that as the county of Milwaukee now stood they could not get the offices they desired. Now, is the largest and the most influential county in the territory to be cut to pieces, and people of the proposed new county made to pay double their present amount of taxes to gratify the selfish aspiration of a few over-greedy office-seekers and county-seat speculators? This is a matter for tax-payers to take into consideration. The question is, therefore, simply this: whether Wm. A. Barstow, A. W. Randall, James Y. Watson,

A. E. Elmore, A. F. Pratt, and Hon. Luther Parker shall be gorged with offices, and have the privilege of speculating in county-seat village lots to boot, at the expense of the farmers who have to foot the bills in the shape of increased taxes? Taxpayers, what say you?

The Unionist is also of opinion that the feelings of honor of "Pratt, Barstow, and Co." "can never be called into action with any instrument less potent than a piece of cowskin, either in shape of a twisted whip or the sole of a boot." It is also not without humor. "A rose by any other name would smell as sweet," it says. "So Waukesha by any other name would be as foxy." "Divided we stand, as the man said with his feet in the stocks." "United we fall, as the rogues said when they were cast into prison." "United we fall, as the coon said when they cut down the tree." It asks the *Advocate* to "meet us with equal fairness, and not appear on the very eve of election with facts without proof."

This issue of *The Unionist* (the only one) provokes an extra of *The Advocate* on April 3d. It reports a meeting for division at the Muskego Center schoolhouse on March 28, signed John Finley, Chairman, and Asa Parker, Secretary, and is again filled with the financial argument, but finds space also to gratify the now fully generated passion of the campaign. Epithets abound, and by way of final word, a "Warning" is sounded:

Warning.—Every man knows that for the last four years it has been the practice of the *Milwaukee Junto*, with what assistance they could get from the country, to circulate, on the eve of any important election, a budget of statements and falsehoods which have had the result of influencing the election. After election the statements are discovered to be false, and no man can be found responsible for them. Voters of Waukesha, prepare for this farce at the coming town meeting. Disinterested Milwaukee is privately at work with her press and tools in just such an operation. Some of the northern towns, it is also understood, will import a large number of voters for the purpose of affecting the elections. Look out for Milwaukee

and Summit treachery. The foul means they have used, the interference of their press, show the shifts to which they have been reduced, and that they are fully prepared to use the most desperate means to prevent the division of the county.

Not to be outdone, the wit of *The Advocate* retorts upon the Unionist with: "An onion would smell as sweet spelt with a U as any other way."

The election was held on Tuesday, April 7, and, if contemporary reports are to be credited, was the occasion of much petty bribery, repeating, and other illegal voting. The division party was victorious, and "Luther Parker and Company's proposition," as Hibernicus named it in the *Milwaukee Courier* of March 21, was adopted. The county was duly organized, with Prairieville as its seat.

NOTES

[1] For Luther Parker's activities in the legislature, see Journal of the House of Representatives, Fourth Annual Session of the Legislative Assembly of the Territory of Wisconsin.

[2] Acts of 1846, pp. 23 ff.

CHAPTER 17

The Last Years

The record of Luther Parker's life from 1846 to 1853 is scant. Such as it is, it is indicative of the usual activities of the pioneer who is possessed of more than ordinary ability and experience. The raising and marketing of his farm produce, the improvement of his estate, the education of his children, the administration of business, public and private, for himself and such neighbors as invoked his aid, the political effort natural to a man of conscience and pronounced convictions—such was the content of his life, so far as outward event may show, during its last half dozen years.

In October, 1846, Luther Parker's name appears among the grand jurors of Waukesha county, and in 1849 and 1851 Asa Parker was among the petit jurors.

Politically, Luther Parker was a Democrat until the rise of the Free Soil party, in the organization of which in Wisconsin he took a prominent part. He supported Van Buren in the campaign of 1848, and in 1852 supported John Parker Hale of New Hampshire, himself of Parker blood, and a member of the Indian Stream commission of 1836.

In 1851 Luther Parker was elected a member of the county board from Muskego. The board met on November 11 at Waukesha. Andrew E. Elmore was chosen chairman, and Luther Parker and Mr. Miner were the tellers who announced his election. Mr. Parker was appointed on the committees on the treasury, on justices' and constables' accounts, and on the support of the poor, being chairman of the second. His name appears in the minutes of November 13, 14, 15,

18, 19, 20, 21, and 22, in connection with the reports of these committees and other business. The character of his reports and motions indicates an attitude of painstaking economy in the administration of the affairs of the county.

In 1848, during the spring and fall terms, Mr. Parker's son Charles was in attendance at the Normal Classical Institute at Waukesha, conducted by Elihu Enos and John W. Sterling, the latter of whom was called the same year to the chair of mathematics, natural philosophy, and astronomy in the University of Wisconsin, where he remained until his death in 1884. During the following winter Charles Parker taught school in Muskego.

On the twenty-sixth of August, 1849, occurred the death of Alletta Parker, of typhoid fever, at the age of forty-six. She was interred in the Durham Hill cemetery, several miles to the south of the Parker estate.

The autumn of the same year Ellen and Persis Parker attended Mrs. Baker's Female Seminary at Waukesha. Prior to 1848 the education of the Parker children had been limited to the district school near Tess Corners.

Mrs. Baker's Female Seminary is thus advertised in the *Waukesha Advocate* of April 19, 1848:

WAUKESHA FEMALE SEMINARY

MRS. BAKER, PRINCIPAL

Mrs. Baker has now closed her second term and 4th quarter, and having been sustained beyond her most sanguine expectations, she would say to her numerous friends and patrons that she will open her school again on the 27th of March. Parents having daughters to send to school may feel assured that pupils committed to her charge will receive the same care and attention as those of her own family, and she will endeavor as far as possible to supply to them the protection and comforts of home. Wishing her school to become a permanent one, she will gather around it all the appliances

required to give tone and finish to the education of a young lady as fast as the growing interests of the school require it. Returning many thanks for past favors, she hopes by her experience in teaching, and by her unremitting exertions, to secure a liberal share of public patronage.

The academic year will be divided into two terms of 22 weeks each, and four quarters of 11 weeks each. The first term and first quarter of the ensuing year will commence on the 27th day of March, 1848.

Departments—terms per qr.

Primary: First Principles of Orthography and Reading.....$1.00
With the above, Emerson's First part Arithmetic.....$1.50
Middle: Orthography, Reading, Geography, Arithmetic, Grammar, Writing, Primary History and Botany.....$2.00
Highest: Natural Philosophy, History, Ancient and Modern, Botany, Astronomy, Chemistry, Rhetoric, and Physiology.....$3.00
Extras: Music on the Piano Forte, including use of instrument $8.00
French and Latin Languages, each.....$5.00
Drawing.....$2.00
Painting.....$3.00
Ornamental Needle Work.....$2.00
Worsted Flowers, Baskets, Birds, &c.....$1.00
Moral and Intellectual Philosophy, Logic, Criticism, Algebra, and Geometry.....$4.00

There will be no deduction except in cases of long continued illness. Pupils from abroad can be boarded at the Institution at a reasonable price.—Produce taken at market price in part payment for board if paid in advance. There will be charged during the winter $12\frac{1}{2}$ cents per quarter additional for fuel.

In the fall of 1849 Charles Parker went east to attend New Ipswich Academy, where his father had once been a pupil. Discontinuing his study there in the spring in order to supply a ten weeks' vacancy at Davis Village, near by, he returned to Wisconsin in the autumn of 1850, taught the following winter at Oak Creek, and from 1851 to 1853 at Hartland, spending the summers on the Muskego farm with his father.

Ellen and Persis Parker also taught in Muskego after their year at Mrs. Baker's seminary.

In April, 1850, Luther Parker was married to Susan G. Goodman. From this union there was one child, Mary S. Parker, born January 17, 1852.

On June 28, 1852, in the hope of regaining his failing health, Luther Parker went on a journey to the scenes of his earlier life in New England. During his visit to Indian Stream, though they had long since become outlawed, he discharged several obligations which he had been unable to provide for on his departure, further than was possible by the leaving of his land and goods in charge of relatives and friends for the purpose. His titles to the Indian Stream lands had been allowed to lapse, and the mill had been burned several years before his return.

Mr. Parker's health was not improved by his journey. He continued to grow worse, and on June 15, 1853, died. He lies beside Alletta Parker in the Durham Hill cemetery. The inscription on their single stone records:

LUTHER PARKER
died
June 15, 1853,
Aged 53 years.

What thou art, I was.
What I am, thou soon wilt be.

Also his wife
ALLETTA
died
August 26, 1849,
Aged 47 years.

Those who knew her best
loved her most.

PART TWO

ELLEN PARKER'S JOURNAL

ELLEN PARKER'S JOURNAL

Sixteen years after their coming to the West, when she was nineteen and her father was fifty-two, and approaching his end, Ellen Augusta Parker began a journal, in a marbled-green, board-covered book about eight by ten inches. In the sober, old-fashioned writing on its faded pages may be found much to illuminate the life of Luther Parker, and pioneer life in general. It was on her birthday that she began the record.

1

A Trip to Milwaukee

Muskego, March 16th, 1852. Today is my birthday. It is a beautiful day. We went up to Mr. Post's. Mrs. Hawkins went with us. They were all feeling very bad, as this morning Michael started for California. I hope he will meet with success, and soon return to his friends and parents.

March 17th. Persis, Charles, and myself went down to my uncle Hariph's—saw Mary, and Hannah Sullivan, also Mary Blott. Louisa came home with us. We called at Mr. Sexton's, and saw our old schoolmate, Sanford Grant. Did not know him.

Thursday, 18th. This morning we went to Milwaukee. The wind blows very cold. We were quite cold when we reached the city. Persis and myself went into Boyd's store and staid till ready to start out. I bought a neck ribbon, comb, etc. About four o'clock we started for Mr. Vallier's. The country through which we passed was very pleasant; the road ran along the bank of the lake. We reached our journey's end a little after dark. Found Mrs. Vallier and family well, and glad to see us.

Friday, 19th. We arose early, Mrs. Vallier got breakfast, after which a walk was proposed. We walked down the beach of the lake, quite a distance, amusing ourselves by watching the broken pieces of ice as they washed against the shore. We were at last stopped by discovering a dead body under a large piece of ice. He was supposed to be a Norwegian sailor, who was probably drowned last fall. We came from the lake, and called at Sexton's and told him about

the body under the ice. He and others went to see it. We went back to Vallier's and took dinner, and then started for home. We had a very cold ride; stopped at Hale's tavern and warmed us. It was nine o'clock when we got home. Found our aunt Prudence here.

Saturday, 20th. Today it is very cold and unpleasant. I have been ironing all day. Charles has gone to take my aunt home. About five o'clock it commenced snowing, and continued till nine. Charles has not returned. I have finished my apron, which I began after ironing. Father found his way home through the snow. He has been to Mr. Finley's.

2

A Teachers' Institute

Monday, 22nd. This forenoon Louisa went home, and I was preparing to go to Genesee to attend the Teachers' Institute. Charles and father and myself started in the afternoon. Charles and father had to stop at Mr. Peck's and attend a lawsuit, which took them two hours. I stopt and waited for them at Muckey's. We stopped at Mukwonago and warmed, then went on. We reached Genesee just after dark, and found Misses Root, Selleck, Bowe, Hollister, and Mr. Selleck at Price's tavern. They had also come for the purpose of attending the Institute. We took tea, then went to the schoolhouse. Heard a very good lecture, delivered by the Rev. Mr. Camp, on the subject of teachers' institutes.

Tuesday, 23rd. This morning father went home. We all went to the school room where the Institute was to be held. Mr. Enos has not arrived from Madison yet, Mr. Camp takes charge of his affairs; is quite a good teacher.

Tuesday evening. Mr. Enos came with the cars this evening, but was too much fatigued to take any part in the debate of the evening session.

Wednesday, 24th. Mr. Enos is in school today. Things did not go off very lively today. We attended an evening session, and from there went to a party at Mr. Remington's. Had quite a pleasant time of it. Danced till two or three o'clock. It was dark and very muddy, and going home we ran against a stump and broke our wagon, so we sat there till they went after another. We did not get to our boarding house till daylight.

Thursday, 25th. Arose quite late this morning. Had rather a dull, sleepy school of it. After dinner Nettie and I went up to our

room and went to sleep. We felt better in the afternoon. Our Institute did not meet this evening.

Friday, 26th. Today I attended the Institute as usual. Nothing of importance occurred. In the evening Mr. Price sent for a fiddler, and we danced till twelve o'clock.

Saturday, 27. Mr. Enos wished the Institute to close today, as there were so few members in attendance. Some were very anxious it should continue longer. He concluded he would stay till next Wednesday.

Sunday, 28th. This morning to meeting; heard a very good sermon, delivered by the Rev. Mr. Camp. This afternoon did not go to church. Went to a prayer-meeting in the evening.

Monday, 29th. Nothing new transpires at school. We closed about half past three, and all went for a walk. We went over the hills to the railroad depot, and saw the cars come in. Staid at the depot an hour, then came back by a different route. Mr. Sprague showed us some very large springs which were on his father's farm.

Monday evening. After tea we attended a lecture on physiology, given by a Mr. Boothe. Mr. Gove and Crockett are here tonight; they are on their way to California.

Wednesday, 31st. Today our Institute closes. Did not go this forenoon; staid at home with Nettie. This afternoon our school closed about three. Some went to Waukesha on the cars. The rest of us staid at the tavern. This evening Mr. Price had a party. We danced till three in the morning, then broke up.

April 1st. About noon today Mr. Selleck and sister, Miss Bowe, and Miss Hollister bade us goodbye, and started for home. Father came for us at two o'clock. We arrived at home quite late in the evening, without any difficulty. Mr. William Post was married today to Miss Esther Johnson. They did not make much of a wedding. The bride was dressed very pretty in a new silk dress brought from England.

3

April and May

April 10th. This morning we were preparing to go to Mr. Clark's a-visiting, when Mr. Selleck and sister and Miss Bowe all came to see us. We got dinner, then all went to Clark's. Mary Bagley was there. It commenced raining a short time after we got there. We took tea at five o'clock. They then went after Mr. Elliot and his fiddle, so we had a dance. It continued raining during the whole evening.

Sunday morning, 11th. The rain has ceased, but the roads are quite muddy. Selleck and company went from here at ten o'clock. Persis, Miss Reynolds, and myself took a walk down to the lake. When we went back we found our folks had sent for us. We had a pleasant ride home, although rather muddy. Pachal called this evening—is going to start for California with the Doyles tomorrow morning. Mike McShane goes with them. W. Cobb is here. He will stay over night.

Tuesday, May 4th, 1852. This morning we did our work and went to make cousin Louisa a visit. Aunt is not at home. We took tea early, then went and called on Mrs. Sexton and family. Mary was at her sister's, Jared in Milwaukee. We sat and chatted a few minutes, then came home.

Wednesday 5th. This morning I received a letter from my old friend and schoolmate, Augusta Colburn of Illinois. This afternoon Persis and I went up to Mr. H. Peck's. Had a very pleasant visit. H. is in fine spirits—has considerable to say about M. P. We got home about dark. It has been very warm today—some appearance of rain this evening.

Thursday morning, 6th. Persis is ironing this morning. Father is not as well as he has been; he is going to Mr. Sexton's with his wife this afternoon. The weather is warm and pleasant, but there are numerous signs of rain—wind in the south. The wind howls without dismally. It always makes me sad to hear the wind howl. The Indian says it is the wailing of discontented spirits. I shall go to Mrs. Sexton's this afternoon with mother, as father is too unwell to drive the team.*

Friday, seventh. This afternoon Persis and myself took sister up to Uncle Giles's. Staid till five o'clock. We had but just got home when the large black clouds began to roll up in the west, and the thunders were heard in the distance, and ere long the rain began to fall. We had a beautiful shower, which makes the grass appear more green than ever.

Saturday, 8th. I was quite unwell this morning. Our folks went up to Mr. Post's a-visiting. About noon our cousin, Baxter Parker, came from the East. He will probably spend the summer with us. Just before tea Louisa came; she will stay all night.

Sunday, 9th. We went to the Catholic church this morning; came back by Sexton's. Saw Mary and Robert walking in the garden. They appeared to be enjoying themselves well.

*These are the first references to the illness which was to bring Luther Parker's life to a close.

When we got home we found Mr. William and Nathan Cobb here. We got tea early, then went and took a walk down to the lake. Stopt at Mr. Smith's, and they gave us some maple sugar. We had a very pleasant walk; got back home about sundown. The Messrs. Cobb have gone home; also Cousin Louisa, and we are here alone once more.

Tuesday, 11th. This morning Mr. W. Cobb came here. He is going to plowing on his farm. He will board here a week.

Wednesday, 12th. I received some letters from Ann and Caroline Southworth. In the afternoon Uncle Asa and family came. After tea, Mary Sexton. Staid over night.

Thursday. Our folks have gone to Mr. Hiram Hale's. Mary is here with us.

Friday. This morning Mr. N. Cobb came to help his brother. Mary went home about ten o'clock.

Saturday, 15th. We went to the lake today to carry the Mr. Cobbs their dinner. Took a ride in a canoe. Coming home, we called to see Mr. Smith. Mr. Cobb got his work done, and went home tonight.

Sunday. The day has been very unpleasant; rained part of the time. Mr. Sexton and Ives called here this evening. I was presented with a philipena present, a book, the title of which is The Golden Gift.

Monday, 17th. Quite cold today. We did a very large washing—did not get done till three o'clock. Father has gone up to Uncle Asa's. George Green came to see us tonight.

Tuesday, 18th. Last night was cold; there was a slight frost. This morning we took up our carpet, moved our cupboard, etc. William Cobb and father called here when returning from W.'s farm. Father and Cousin Baxter have gone to Waterford to mill. About five it commenced raining; rained considerable during the night.

Wednesday, 19th. This morning we arose quite late. Clouds hide the sun's bright face from us. We ironed some this forenoon. I fixed my mull dress. Margaret Fuller and Mary Myers called on us. Father and cousin have returned from Waterford. Father has been sick all the time he was there. I hope a journey east may improve his health.

Thursday, 20th. This morning we washed our carpets. In the afternoon went to the graveyard. Stopped and took tea with Mrs. McCleary. We came and staid at Sexton's till sundown. Jared came home with us. Friday we cleaned the cellar. Saturday, did our baking.

Sunday, May 23rd. It is a beautiful day—also one of the warmest we have had this spring. After doing our work in the morning, Persis and myself took sister Mary out riding. We had just returned when Mr. and Mrs. Law came. They staid till after tea. Dr. Bigelow also took tea here. Just night, F. Smith and H. Shields called.

Monday. We have been washing today. It is a very warm day. Our folks have begun planting corn.

Tuesday, 25th. The day is very pleasant. I went to Milwaukee with father and mother. Went to Edwin Skinner's—saw Caroline Fowler there. I staid with her during the night. Father and mother staid with Mrs. Hill.

Wednesday. I staid at Mr. S.'s and took care of Mary while mother went and did her trading. She bought Persis and me some white dresses, also some pink ones. We got home just sundown. Wednesday I received two letters, one from J. N., the other from E. S.

4

A Summer in Muskego

June 28th, 1852. This morning my father started for New Hampshire—in hopes to recover his health by visiting his native state. Mother, Charles, and Persis accompanied him to Milwaukee. It is a long time for him to be absent. He intends staying till the first of October. Cousin Baxter became homesick, and went back before father could get ready to accompany him.

Sunday, July 4th. Persis, William and myself went to the Catholic church. After returning, we went to the lake. Took a ride in the boat. Saw Mrs. T. Sexton, Mary S. and J. S. and Robert Ives. We staid at the lake till night; then R. and J. came home with us.

July 5th. Today is quite pleasant, yet it looks like rain. This afternoon we are going to a ball at Martin's new tavern. William has gone after Cousin Louisa. It is now two o'clock. Mr. Sexton and Ives have arrived, also W. and Lida, on their way to the ball. Mr. Cobb came about three, and, being ready, we set out for Martin's. Had a fine ride, and fine company. Our ball passed off very pleasantly; all seemed bound to enjoy themselves. We got home about seven in the morning. I went to bed and slept till two o'clock. Wednesday we received a letter from father. He is now in Massachusetts. His health is no better as yet.

July 25th. Today is Sunday. My uncle Asa's family are here, also Cousin Louisa. About two, Mr. W. and N. Cobb came, and

staid till after tea. Miss Bowe called on us just at night. We went to Mr. Clark's with her. Charles went to Vernon after Angeline. He did not get back till ten o'clock. While he was gone we went and took a sail on the lake. After returning to the tavern we had quite a heavy thunder shower. Miss Bowe came home with us and spent two days.

Monday. The Messrs. Cobb came to board with us and cut their oats at the lake. We got done washing in the forenoon. After tea we all went to the lake.

Tuesday, 27. Today Persis, Angeline, Augusta Bowe, and myself put on bloomers, and went a-visiting to Edward McKowan's. There were six bloomers there. We got lost in the woods coming home, and Persis was under the necessity of getting Dr. Bigelow to show us the way out. We then reached home without further trouble.

Sunday, August first. This morning we went to church; in the afternoon to Hale's schoolhouse to meeting. After tea Persis, Angeline, and myself called on Mrs. Smith.

Monday, 2nd. Charles has gone to take Mary and mother to Milwaukee on their way to Ohio. He brought Cally Fowler out with him to stay two weeks.

Sunday, August 8th. This afternoon Charles and Persis went and took Angeline home. Mr. W. and N. Cobb called and took tea with Cally and myself. The Cobbs will board here again this week.

Tuesday, 10th. Cally and I went down to Sexton's this afternoon. After we got there we went a-fishing; did not get back till late, so staid all night. When we got home we found Julia Ellsworth here. She staid till Friday night.

Saturday, 14th. All the forenoon there has been a slow, misting rain. This afternoon we went to the city to take Cally home. Got home about eight in the evening; found Persis enjoying herself with Steel.

Monday, August 16th. We are now alone for the first time since mother went away. We have been washing. Charles is at Uncle Asa's. W. and N. called and took tea with us. They are going to bring their sister with them tomorrow.

Wednesday, 18th. Emma Cobb is now with us. We received a letter from father. He is getting much better. We also heard from mother. She arrived at her home in Ohio safely.

Sunday, 22nd. We went to a camp-meeting today, up near Babcock's. Saw Angeline, N. C., L. H., and a great many other friends.

Thursday, 26. This morning we were surprised at receiving a call from our friend Minerva, whom we supposed to be in Racine. It is pleasant to meet with friends unexpectedly.

Friday, Aug. 27, 1852. Persis went up to Mr. Green's with Minerva this afternoon. Mr. N. C. came to bid us farewell, as he is going to start for California tomorrow. He staid and took tea with us, perhaps for the last time, though I hope he may be one of the fortunate ones, and soon return.

Sunday 29. Charles went to Mr. Sexton's. L. Hale and Mr. True, from the city, called here; also Robert Ives and Jared Sexton.

Monday. We attended a funeral today. Mr. Goff's (?) oldest boy was killed by the kick of a horse.

Wednesday, Sept. 8th. Today Persis and myself went to Vernon to attend Miss Southworth's school examination. There were a number of people present. She closed her school at three o'clock, and we all went to a swing; had fine times swinging, then went and took tea with Mrs. Hammond, after which we came home. Miss S. came with us to spend three weeks.

Wednesday. Mr. Shields is here threshing. We received a letter from father, Charles one from N. Cobb.

Saturday, 11th. This afternoon we went to make Mrs. Green a visit. After we had been there a while Julia Clark came with her father. About four Charles came after us, as Mrs. Vallier had come from Lake Town to see us; also Miss Sexton.

Sunday. We went to see Julia Ellsworth today—came around by Sexton's. This evening the Old Gent came.

Monday. Vallier's folks went home. I went to Mr. Ives's in the afternoon.

Thursday, September 23, 1852. This morning about eight o'clock Mr. W. Cobb took passage on the *Arctic* (bound for New York) on his way to California. His brother has now been gone three weeks. When he left here Tuesday morning we did not think it would be so long ere we should have the pleasure of again seeing him. It may be we shall never again see him or Nathan. Yet we will hope for the best, and anticipate spending many happy hours with them.

September 27. Mary Sexton is with us. In the evening Jared and Ben came. Dr. Bigelow was here.

Tuesday. We whitewashed the chambers. I received a letter from E. S. of Genesee.

Thursday. This morning Persis went to help cousin Louisa prepare for a small party. We went down just after dark. It was

eight o'clock when we got there. We staid till twelve. It was some muddy, also rainy, coming home.

Sunday morning, Sept. 30th. It was quite late this morning when we arose. It is a very unpleasant morning—rainy and muddy. After breakfast William went and took Hannah Sullivan home on horseback. When we had completed our work Ann and myself got our bonnets and were going to take a walk. Just as we were on the point of starting I looked up the road and saw our folks coming. They have just returned from the East—they have been gone a long time—Pa about three months, and Susan two. Mary is about eight months old—she can walk by holding on to one's fingers. Pa's health is some better, though not so he is able to labor much. After they had been here a while Dr. Bigelow and Mr. Hawkins came to see Pa.

Weeks have flown—yes, even months—since I have written a line, or even a word, in my journal. I hope it may not be so long in future.

January 8th, 1853. My father's health is no better, but rather poorer than when he got back from the East.

5

A Schoolmistress of 1853

January 8, 1853. I have been teaching in Mr. W. D. Peck's district four weeks. Have had thirty-four pupils. I am boarding at Mr. Ellarson's—a very good boarding-place. I attended a ball at Mr. Dewey's, Christmas; went with sister and Billy. Last week I closed my school for the week on Thursday. Robert Ives came up after me. It commenced snowing that evening and snowed all night. The next day (Friday) we went to Waterford to attend a New Year's ball. There we saw Mr. Selleck. Had a *grand* time. Charles came from his school in Hartland and went with us; also Angeline, and Mary from Milwaukee. We got back to Clark's about ten o'clock. Mrs. Clark desired us to stay that evening, as she was going to give a small party. We staid, and Charles and Mr. Johnson, our teacher, came up in the evening. We had an excellent supper and fine dance; got home about one o'clock. Went to bed and slept till nine next morning. That night Robert came and brought me up to my school, and here I am. But it is almost nine, so I must start to school.

February 11th, Friday evening. Oh dear! Everything has gone wrong today; the young ones have not half got their lessons, and

such a *racket* and confusion as there has been all day cannot be equalled. And what a lonely, dismal day we have had. The sun has not showed its bright face since early this morning. The wind has been blowing bleak and cold. Oh for the bright, lovely days of summer, when all is gay and happy, and we can go forth in the dewy eve, and listen to many feathered songsters as they pour forth their sweet note as if in praise of the Creator of all!

I should be happy to spend this evening at home. Last week I was there but a few minutes. I staid at Mr. Clark's Saturday night, and Sunday we had such a pleasant walk. The same company will never all meet again together. One of them is now gone, another is going ere long, perhaps never to return. Oh, why must friends so soon leave each other's society, where they have enjoyed many happy moments, and wander among strangers who look upon them coldly, and seem to care not what may be their fate? Yet such is the lot of man.

Saturday. This has been a lovely day. Ida went home with me Saturday night. We walked as far as Mr. Clark's, then Mr. Steele took his horse and buggy and carried us home. We found Mr. C. there. I received a letter from my schoolmate J. B. N.

Sunday was a long, lonely day to me. The sun arose bright and pleasant, but soon the fair heavens were overspread with dark clouds, and before ten o'clock the snow began to fly, and continued, stopping only at short intervals, all day. Sunday evening was very cold. Mr. Johnson came and brought Ida and myself up to Mr. Morous's. We stopped at Mr. C.'s and saw Sally.

Monday, Feb. 14th. This is a clear, cold day, but very pleasant. I came to school this morning quite early. There were only two pupils here. I was obliged to wait till twenty minutes past nine for them.

Tuesday night. Last night we had quite a snow storm. This morning Henry yoked his oxen, and brought me to school. It has been rather a long day to me. I feel rather unwell, so everything goes wrong, of course. The sun has shone so brightly all day that our snow is almost gone. Mr. Mills is going to preach here this evening. It is rather doubtful about my attending.

Wednesday noon. It is a beautiful day; the sun shines very warm and pleasant. The children are running around and making a great racket. Some are sweeping, and some out of doors enjoying the warm sunshine. I did not attend meeting last evening, as the road was very muddy. I think I shall this evening. I must sweep my dusty schoolroom. I went to meeting this evening. Mr. Mills

preached. Going home we met Maria Van. She invited me, also Mr. C., to attend a party at their house Friday evening.

Thursday it snowed all day. In the evening I came to meeting. Mr. M. did not attend, as he was quite unwell.

Friday, 18th. This morning Mr. Morous brought me to school. The walking is very bad. This afternoon Sally Ann and Amy called to see me. A few minutes after they came Mr. W. H. Wise made his appearance. He came from Waukesha, where he is attending school. Friday evening after school I went to Mr. Ellarson's and took tea, then took a sleighride down to Mr. Clark's. When we got there we found the young people from the Corners there on their way to the party. Mrs. Clark's folks were almost ready. We got there a little while after dark, then went to Martin's and had a dance. Came back to Mr. Van's and took supper, then came to Clark's and staid till morning.

Saturday Clark's folks went to Milwaukee. Mr. C. and Steele and our schoolmaster, Persis, and myself went down to Sally's school. When we got there we found she was not teaching. So we all went to Hale's school, then came to Mr. Clark's. Mr. I. and Persis went home after spending the evening, but I staid, so as to come to Mr. Morous's Sunday. Sally and I went to bed about twelve o'clock. Mr. and Mrs. C. did not return from the city Saturday night.

Sunday morning. Sally and myself arose quite late. It was snowing very hard, and continued till ten o'clock. We took a walk to the lake, came back and read awhile, then helped Mr. C. write a letter. Sunday evening we retired at ten.

Monday morning. Mr. Steele came and brought me up to school. Monday evening I came to meeting. Mr. C. and his family were here. They are going to have a small party tomorrow evening.

Tuesday evening. After school I went to Ellarson's, and prepared to go to the party. I had not been there but a few minutes when a family from Racine came. I dressed, then helped Mrs. E. get tea. After tea Mr. Steele came after me. When we got to Clark's Persis was there. We had a good time. I came back next morning in time to commence my school.

Wednesday evening. I came to meeting. There were not a great many present. Mr. C. came, and brought me two letters from brother. He called at Mr. Morous's, and *staid* a WHILE.

Thursday afternoon. Sallie Johnson called and staid with me in the afternoon. After school I went up to Mr. Reynolds's with her. We went and spent the evening with Miss Smith.

Friday. About ten o'clock my friend F. B. came to spend the day with me. He is rather lonely; he is going to leave us Saturday or Sunday and go to his home. We shall miss his society very much. In the afternoon Sallie and Miss Smith came. We all went to Mrs. Smith's after school and took tea, then came to meeting. From there I went home with Sallie.

Saturday morning. It is very pleasant—also muddy. Sallie and myself were going to Mr. Johnson's school, but did not feel very well. Frank went, and I. and P. came and brought him home. While he was gone his brother came after him.

Saturday evening. We felt as though it might be the last evening we should spend with Mr. C. We sat up till quite late. I shall not say *how* late it was when *some* of us retired.

Sunday morning. How lonely it appears without; everything corresponds with our feelings. The sky is overcast with dark clouds, and all nature seems hushed in dread repose. After breakfast our friend prepared to take his leave. Why do all look so sad? It is because a *dear* friend is going. They went about nine o'clock. May happiness be ever his, and dear and kind friends minister to his wants, and console him in trouble and affliction, and when he is called to leave this world of trials may angels conduct him to that celestial world where all is peace and happiness, and partings are never known!

Oh, what a long day this has been! Some have been reading, some writing, and some singing. They are very kind to me, trying to make the time pass pleasantly. And all because F. B. C. is gone, they say. Our folks went home about four. Then the rest of us came to meeting. Mills took his text from the fifth chapter of Galatians, seventh and eighth verses. I rode back to Morous's with Clark. I found them all well and enjoying life.

Monday. Mr. M. brought me to school this morning. The mud is nearly over our shoes. I went to meeting in the evening, and thus passed the first day of the week in the sober routine of school duties.

Tuesday night. This is the first day of spring. I hope it is not an emblem of the rest of the spring. If it is, I can but say: "Oh, for pleasant summer!"

March 3rd. Oh, what a lovely evening! It would be pleasant to take a walk. I have been sweeping, and now my schoolroom looks very neat—neater than it will after meeting, I imagine. I went to my dinner today noon, and left the young ones alone. It is the first time I have been home after my dinner since I came here. How happy would I be could I but see the one that I saw one week

ago tonight! But no, it is impossible. He is far away. This has been a lovely day. I saw Ida at noon at Mr. Babcock's.

Thursday. This afternoon, just after school commenced, someone came to the door and knocked. I opened it, and whom should I see but Persis! I was surprised to see her, as I had not the least idea she would come at all. Steele came with her. After school I went with Steele to take P. home, then came back and staid at Morous's all night. Steele spent the evening there.

Friday evening. This is the pleasantest evening we have had this spring. It is a lovely evening! One week ago this evening I was with Sallie and Mr. Cram in this very room, but now they are both gone, and I am here alone. I should be very happy to see them a few moments this evening.

6

A Spring Vacation

Saturday. I must close school early tonight, for I am going home.

Saturday night. I walked home; stopped at the P. O. and put a letter in for A. H. Colburn. When I got home I found father very sick. The rest were well. Persis and Mr. Johnson had a great deal to say about the Saturday night that we were all up to Clark's, Mr. Cram's last night in Muskego, also about galvanizing watches.

Sunday. Sallie Johnson and Robert called and staid with us an hour or two. Pa had a fainting fit, which frightened us very much. About two o'clock Persis and Johnson came to bring me home. I staid at Morous's all night, and it is now Monday noon and here I am in my schoolroom.

Tuesday forenoon. I arose at half past six o'clock this morning. There was every appearance of its being a pleasant day. The sun soon hid behind a dark cloud, and there it has been ever since. About four o'clock the wind began blowing at a *furious* rate, and the snow came with it. Thus it continued all the evening.

Wednesday. The morning is pleasant, but cold. I have not a very large number of pupils in attendance. The snow of last night is now all, or nearly all, gone. I must close school as early as possible and go to Mr. Morous's and do some washing. I expect my friend Johnson up to see me this evening.

Thursday noon. I went home last night and went to washing. I received a letter from a very dear friend. I was very happy to receive it. I hope I may have the pleasure of seeing the writer ere long. Mr. J. went home about nine o'clock.

Thursday afternoon. Mr. and Mrs. Burritt called and staid with me an hour or two. Thursday evening after school I staid and swept my schoolroom. Going home I met Mr. Sexton and Mary E. Taylor. They were going to Cole's. After tea Ida called to see me. When she went home Morous went a part of the way with her. After she went I did my ironing.

Friday noon. This morning I arose late—did not get to school till a few minutes before nine. Tomorrow I am going to Hartland with Persis and Johnson.

Tuesday. Last Friday night I staid at Mr. Babcock's. Saturday morning arose quite early and went to Mr. Ellarson's to prepare for going to Hartland. I dressed, then helped Fynette get her work out of the way. Mrs. E. went down to the Drought neighborhood to quarterly meeting. I had got the work all done and sat down to sewing, when Mr. Johnson and sister came. We got to Waukesha about noon. We had not been there long when I looked out and saw Charles coming. We were glad to be saved the journey of going to Hartland in the mud. After dinner I went to the bookstore and purchased some books and tickets for my scholars. About two o'clock we started for Saylesville. Charles and Mr. Wicks went with us. We had a pleasant ride, though a very muddy one. It was nearly four when we got to Mr. Bartholomew's. We came by the way of Mr. Cram's to have F. go with us, but he was gone. I like Mrs. B. very much. She is very lively—looks much like her brother Smith. Sunday we went out and took a walk on the hills that bound Saylesville on the south; had a very pleasant time. We went back and took dinner, then started for Muskego. When shall we have the pleasure of again seeing Mr. Johnson? His school is now out, and he has left us. We came as far as Mukwonago, and stopped and warmed, then came as far as Martin's, where we met Sallie. Charles and Persis staid the evening, then went home. I staid all night. In the morning S. went to her school. I wrote a letter to F. in answer to his of last week. Then Steele brought me to Ellarson's. I changed my dress and called on Ida, came back, and staid at Mr. Babcock's all night.

7

School Again, and Twenty

Tuesday. I am in school once more—have only nineteen pupils today. Tuesday evening I washed some. After I had got done Ida, Betsy, and Miss Weir called and spent the evening with me.

Wednesday, March 16th. This is my birthday. I am now twenty. How differently am I situated from what I was one year ago today. Michael Post started for the gold region. Where shall I be one year from this day? None but the great Ruler of all can tell. In the afternoon Ida came to see me. After school I swept, then we sat down and chatted till sundown, and then went to Mr. Morous's and spent the evening.

Thursday. Mrs. Babcock has gone to see her daughter. I must go and get tea for Mr. B. this evening.

Thursday. Oh dear! What a long day this has been! I wish school was out. This has been the warmest day of spring so far. Miss Clara Cole just came and called at the door a moment. I wish I could see Jimmy and his sister. Oh dear, I feel like a *fool!*

Thursday evening. About three o'clock the heavens became overcast with clouds, and everything had the appearance of an approaching storm. I was obliged to stay with one of my pupils after school till nearly five. By that time the rain was falling in large drops. I imagine she had a pleasant walk home. I went to Mr. B.'s and got tea for him, and then washed the dishes and went to knitting. He went to prayer meeting, and left me alone. I had a lonely time of it. All I could hear was the monotonous sound of the rain falling on the roof. I was obliged to sing "They have given her to another" to keep from being *too* lonely. If Jimmy had only stopped in just then we would have had a social time.

Friday eve. This morning I arose quite early and prepared breakfast. Just after sunrise Mr. Virgil Cobb and Miss Julia Ellsworth passed by on their way home from Martin's sugar party. I washed the dishes, made the beds, swept, and attended to numerous other household duties, then combed my hair, and prepared to come to school. Mr. Mills called when I was washing dishes.

Thursday evening. School would close now for tonight, but the geography class have not their lessons. There sits a girl, *cramming* her mouth full of small stones. I shall be rather lonely when I leave my scholars, which will be in a week, and a few days. I have passed many pleasant hours with them. My children have now got their lessons. I will close school for today, then sweep and go to Mr. Babcock's and do my ironing, and see if She has returned; if not I will be obliged to get tea again.

Saturday morning. I almost imagined when I arose this morning that summer was once more with us, with her warm, sunshiny days and bright, beautiful flowers. I came to school at eight o'clock this morning, and wrote a letter to Mrs. Bartholomew. I am going

home tonight after school. Last night I staid here at the schoolhouse till sundown. When I got to Mr. B.'s I had to make a fire and go to getting tea. When it was partly ready, She came. After tea I ironed, and then retired. I have a very small number of pupils today. It seems rather lonesome. The mud keeps them at home. No wonder!

Monday morning. This is a pleasant morning. I arose early and came to my school again. Found everything as I left them. Saturday night I went home, Sunday, came back, stopped at Mr. Clark's and took tea, got to Mr. Babcock's after dark, read a story, then went to bed.

Tuesday evening. Last night I staid at Mr. Muckey's. Was much amused to hear Mr. M. tell his stories. Mr. Clark called to see me this morning. Tuesday evening I called on Ida; found she had a beau, so I went up to see Sarah Smith; found Maria Vanderwalker with her. We had a very good visit. Sat up till eleven o'clock.

Wednesday evening. This morning I arose and pulled Sarah and Maria out of bed about a *dozen* times, then left them to their own destruction, and went and combed my hair. Lucien fastened S. into the bedroom, so it made her breakfast late. It was five minutes to nine when I started for school. When I got here a number of my pupils were assembled around the door. I unlocked the door and came in. The room was very cold. I sent after some fire, then went out and picked up some chips, and had a *good* fire in a short time. When I commenced school it was half past nine. I shall keep them half an hour this noon. This morning I saw Mr. Hibbard from Troy. He was passing, and something was said in sport about calling him in, when Lucien stuck his head out of the door and told him the girls wanted to see him. He came in. We ran into the other room, but he came in and sat down, and we were obliged to come out and see him. He sat a few minutes and took his leave. I became acquainted with him at a Christmas ball at Dewey's.

Thursday morning. Last evening Mr. Steele came after me to go to Mr. Clark's and spend the night. Mr. Reymert's folks came, also Mr. Martin's, and Reynolds's. There I was, with the married people! I enjoyed myself well, however. We had supper about ten o'clock, then cleared the table and danced awhile. They sent John Clarke after Ida, but she would not come. The Captain was very much disappointed.

Friday. Last evening when I had got nearly done sweeping, Ida

and Betsy Cole called on me and staid about an hour, then B. went home, and Ida and myself staid here till sundown. I then went part way with her, came back, and went to stay with Mrs. Ellarson all night. We had some warm sugar, which was very nice.

Friday afternoon. Persis and Sallie and Mrs. Reynolds have just left me. They were going to the river, and are going to call for me when they come back. Shall I go? I hardly know what to say about it. If I do, I will not teach tomorrow.

Monday. Friday night I went to Clark's with P. and Sally, and staid there till today. P. went home Saturday morning. I helped Mrs. C. mend in the forenoon. In the afternoon we went to the Bend. Stopped at Dr. Putnam's and ate some warm sugar as we were returning. We got home about seven o'clock—found Mr. Graves there. I finished Mrs. C.'s sacque, then retired. Sunday Sallie and myself arose and took a walk down to the lake before breakfast, which gave us a good appetite. Sunday afternoon, Sallie and myself got Dr. Bigelow to let us take his horse. He went and harnessed and brought him to the door, and away we went down the road toward Reymert's. Sallie held the reins, and I the whip, which I had to use frequently; so much that my arm is lame today. We went just below Elliott's, and then concluded to go and see my folks. We turned off of the plank, and away we went through the mud. The Old Doctor was determined not to hurt himself by going fast, so he moped along at the *alarming* rate of a mile in ten hours. We got through the mud without any serious injury, and arrived at home about four o'clock. Persis was at Uncle Asa's, so we went up there, taking Charles with us. We took tea there, then came back. Our horse came back *good.*

We walked down to John McKowan's in the evening, came back, and went to bed.

Monday night. This morning Steele came and brought me up. There was no fire, but I soon made one.

Monday evening. I took tea with Mrs. Burritt, then went and spent the night at Mr. Morous's.

Tuesday morning, March 30th. This morning when I awoke my throat was so sore I could hardly speak. It is some better now, although quite bad. This is the last day of school for this winter.

8

At Home

Sunday, April 10th. It has been a long, long time since I have written a word in my journal. The day after my school closed I

was taken sick, and have been so ever since. My ear began to pain me in the morning, and continued till night, when it began to discharge matter. When I got home they steamed my ear, which made it feel some better. Saturday Mr. Johnson came to see us. I could not enjoy myself any—was obliged to keep my bed a part of the time. Sunday Persis went down to Ives's to commence her school on Monday morning, which she has taken for the term of three months. Friday evening, April 8th, Sarah Reynolds came just after dark to make us a visit. Saturday General *Strut* came from Waukesha. As soon as he came we sent him after Persis. She seems much pleased with her school. We were all seated on the floor in the kitchen Saturday evening when some one came and rapped at the door. We hustled about and got up—opened the door, and there was our dear friend Frank and Mr. Steele. If I had been well I should have had a fine time. Sunday, about noon, Sarah bid us farewell, perhaps forever. This week she is going to Ohio with Clarke. I hope we may meet again. We have passed many pleasant hours together during the past winter. How often shall I recall to memory the happy hours we have spent together. At two o'clock F. went home. When shall we see him again? Perhaps never. Life is one continual scene of—but I cannot write any more now; my ear pains me so much.

Monday. I did the housework while S. washed. It commenced raining in the evening—rained all day Tuesday and Wednesday.

Thursday. This morning when I arose everything without was covered with snow. It looked dreary enough. About noon the sun began to shine rather warm, which soon sent the cold snow from the face of the earth. How lonely it seems here to have Persis absent. I wish I could see her tonight.

Friday evening, 6 o'clock. Another long day has passed into eternity. How slowly time passes to me. I am here all alone with our folks, and not a soul has been here this week. Father's health has been miserable, which renders it more unpleasant. My school has been out almost three weeks; it seems more like three months. Persis has now been teaching two weeks. I wonder if she will come home tomorrow. It has now clouded up, and has every appearance of a storm. I hope it may not rain again so soon. I should like to be placed in California for a few minutes this evening, and have a chat with our friend Michael Post. It is very likely he would like to see someone from the town of Muskego again. I will not write any more tonight. My head pains me some—on account of my ear, no doubt. Will it ever get well?

Sunday, April 17th. I have been out to Vernon today to see Angeline. It was about noon when we got there—found Mr. Webster's folks pretty well. We took a walk up to the schoolhouse where Ann is going to teach this summer. Tea was ready when we returned, so we sat down and drank it, then prepared to come home. Charles would not come home without Ann, so she came with us. We arrived at home just dark.

Monday, 18. Today I helped wash—the first washing I have done in a long time. I was very tired when we got through. I went to bed and had a nap, which rested me some. After tea Mr. Cobb called to see father.

Tuesday, 19. My ear pains me a considerable yet. I don't know as it is ever going to get well. S. is cleaning and whitewashing her bedroom this forenoon. This afternoon Angeline and I went up to see Aunt Hannah. Charles came about three o'clock to take A. home. I staid till after tea, then called to see Aunt Nancy. She was well, and glad to see me. After I had been home a while Charles brought me a sweet little book from the Center P. O. which my friend Frank had the kindness to send me. It is very pretty.

Wednesday evening, April 20th. This is a beautiful evening, though there are some appearances of rain. We have been cleaning house today. I am very weary. My head feels very bad, also. I received another letter from Mr. C. today. I did not expect it. I should be happy to see him this evening, and Persis, too. She has not been at home in a long time. Pa is no better. I fear he never will be more. We must trust in Providence.

9

A Busy Season

Thursday, 21st. We have got our kitchen cleaned today—got through about three o'clock. Robert called after his papers. I sent a line to Persis by him. How dreary everything without appears! I think we are going to get a shower. The rumbling thunder may be heard at short intervals in the west, and ever and anon a flash of lightning crosses our sight. There, the rain begins to patter against my window thick and fast!

Friday. This forenoon I ironed; in the afternoon trimmed my bonnet. After tea I went up to Mr. Morous's to see about taking that school, but found it engaged. I got home about eight. I then wrote a letter to my friend B. F. C.

Saturday. This is a cold, windy morning. C. D. has gone to Hartland. I washed the dishes, churned, and attended to numerous

other household duties, then went to see Persis. I expected to find her in her school, but did not. She was up to Sexton's. Robert went up after her. It commenced raining just before dark.

Sunday 24th. When I awoke the first thing I did was to pull the curtain aside to see if it had done storming. The ground was covered with snow, and it was storming for certain, and continued to storm all day Sunday till four o'clock.

Monday, April 25th. The sun was shining brightly when we got up. Persis and myself got breakfast. Mrs. Ives was sick. We washed the dishes, then Robert took us down to Drought's to see if I could get their school. The clerk was gone—his father said he would come up to Ives's and see me when he got back, but he did not. I visited P.'s school. After school was out we went to Mr. Ives's and took tea. Then Robert harnessed his horses and brought me home.

Tuesday. We washed.

Wednesday. Charles and I went to a funeral at our schoolhouse. Mr. Smith's brother was buried. It is supposed he starved himself to death. He said, "Christ fasted forty days, and he would do the same." He has been sick all the spring; he said he wanted to die, when someone was persuading him to eat. Poor fellow is now at rest in the peaceful grave. When we got home I found a letter from my Aunt Helen. Also one from Angeline. I was very happy to hear from Aunt.

Thursday. What a day this has been—rain, rain, rain, every five minutes all day! I have been cleaning the chambers, filling straw ticks, cording bedsteads, etc. Pa has not been as well today.

Friday, 29th. Charles and I went to Milwaukee today—found it very cold going in, but warmer coming home. I bought me a dress, silk apron, etc., etc.

Saturday. I arose early, and mopped the chambers, the dining-room floor, and got my work out of the way, then went after Miss Bowe, our teacher. I stopped at Mr. Vandeworkers, and Maria went the rest of the way with me. We arrived at the Prairie about one, staid till Miss B. got ready, then took our homeward road—arrived at Mr. Whitcome's at three, when Miss B. was obliged to stop and get inspected. We took tea there, and did not get started home till sundown. It was dark when we got to our journey's end.

Sunday, May first. This has been a very cold, windy day. Persis and Robert came about noon. We all went down to Dr. Ellsworth's for a ride in the afternoon.

Monday. We did a large washing, I made my silk apron, etc.

Tuesday, May 3rd. This morning after washing dishes I did some whitewashing, and Susan cleaned the woodshed. After dinner I went to sewing on my dress. Aunt Nancy called to see us, and staid about an hour. Father is now quite sick, worse than he has been before. Charles is also quite unwell—has a sore throat and a severe headache. I trust it is caused by a cold and he will feel better in the morning.

Wednesday. It has rained all day without cessation, and is now raining hard. I received a letter from Nancy Finch today, which informs me that she is now in Iowa.

Thursday, and Friday. Rain, rain, rain—that is all I can say about these two days.

May 18th. It has been almost three weeks since I have written in my journal. A week ago last Sunday Charles and I went to see Persis. We found her quite unwell, so the next day, after washing, Pa said I had better go and take her place a week.

Monday evening I went down, and she came home. Tuesday I went into her school—there were but six pupils there. Wednesday, Thomas T., Robert, Henry Drought, and John Hay called and spent a part of the afternoon with me. Friday, Mary Sexton came to see me, and staid the night. Saturday, Mr. Hill was at school, also Miss Sexton and Hay. We took tea at Mr. Roe's, after which we went to the lake. Came back to Sexton's, and Robert wished me to stay there, so he could go a-fishing. He went, and was caught out on the lake in a thunder-shower—got wet as possible, and came home. Sunday morning I went back to Ives's—found Mrs. I. quite unwell. Sunday eve R. and myself took a walk up to the graveyard. Monday morning I got up and got breakfast. Mrs. I. not being able, I did the work, then went to school. There were eighteen little *brats* around the door when I got there. Monday eve P. came back to her school. She brought me a couple of letters—one from Sallie, and one from R. A. Campbell. Tuesday we washed.

Wednesday. Susan is very unwell today. I have been to work hard all day. She has taken some pills tonight. I hope she may feel better tomorrow.

Friday. Mrs. Hale and her daughter called and spent the afternoon with us. Robert brought Persis home just before dark.

Saturday, 21st. Persis and myself, also Miss Bowe, went to Milwaukee; took our one-horse wagon and drove for ourselves. We got there safe about noon. We went out and did our trading, then came back to the Tremont house after our horse. They would not

let us have him till we had given them a dollar—for four quarts of oats, and a pie.

Monday. I went and took P. down to her school. We called at Sexton's, and the first person we saw was Jared. I was very glad to see him; I have not seen him before since last fall.

Wednesday. Mrs. Green spent the afternoon with us. I went home with her and staid all night. I received a letter from Mr. Johnson. John B. Nicholson is teaching our school. Frank C. has been teaching at Hartland, but has now gone home. Chas. S. Canright called here yesterday. He has been up north for the past four years. Robert Ives has been here today—he brought a letter from Mary Sexton.

Sunday, 29th May, 1853. Charles and I went down to Ives's, and from there to the Drought schoolhouse to meeting. We came back to I.'s and took dinner, then came up to Sexton's and stopped to see J. and Ben. We came home just in time to avoid a heavy thunder-shower.

Monday. C. and Susan went to the city, and did not get home till late.

Tuesday, May 31st. I have just returned from the lake. I went and had a boat-ride with Persis, and Mary S., J. and B., and R. I. B. accompanied me home. He is going to start for Michigan again Thursday.

10

A Death, and Two Marriages

Sunday, Feb. 12th, 1854. A very long time has elapsed since I last wrote on these pages, and under very different circumstances do I now write. My father has gone to his last resting-place. He died the 17th of June last. My brother and sister were married the 9th of November. I have lived with Persis the most of the time this winter. I kept house for her the week before last. She had gone to Fond du Lac on a visit. When she came back Mr. Van Deren came with her. The second time I saw him he asked me to sit up with him, and also wanted me to consent to go to *Eden* with him; but I told him I would rather not. We have had good sleighing for about a month and a half—something very uncommon for Wisconsin.

Everything seems to say we shall soon lose all the snow which now covers the ground. It is quite warm, and puddles of water are to be seen standing in the road and elsewhere. I have been writing

to my friend Augusta H. Colburn today. I also wrote a few lines to Obed Russell in John's letter. I must go down stairs and eat supper, then wash the dishes, read some, and go to bed. I have been rather lonely today.

Monday. Today is washing day. After noon, went upstairs and read in "Prairie Bird" till dark. This is an excellent book describing the manners and customs of the Indians. We also listened to some of it read by J. B. Nicholson in the evening.

Tuesday. This has been a very stormy day—wind in the northeast, and snow flying like fury. When the mail came it brought me a letter from my friend Sallie. She was in fine spirits. I answered her that same evening.

Wednesday. Charles went to Milwaukee with a load of hay. I started to go with him, but it was so cold I made Hattie and Laura a visit instead. Got home about eight that night.

Thursday. Persis came about noon, and soon Mrs. Webster came, staid till night, then took Ann home with her. Persis went and made Aunt Hannah a visit. When she came back I went a part of the way home with her, and had a pleasant walk back.

Friday. This has been an extremely cold day, but in spite of the cold Susan, myself, and Persis went and made Mrs. Law a visit. While we were gone Henry Peck's folks came to see us. We got home about dark. Got C. and J. their supper, then I began to read in "Prairie Bird," in which I was interrupted by Robert, who had come after me to go to a party at Mr. Veeder's. We had a fine time, of course, dancing and playing. Got home about daylight, and went to bed and slept till ten o'clock, got up and swept and mopped, then combed my hair and changed my dress. Mr. and Mrs. Ives are below, so I must go, too. After tea I went up to the schoolhouse with C., who went to draw a load of wood. After coming home, I finished reading "Prairie Bird."

Sunday morning. This is a bright, beautiful morning. The sun shines so brightly that destruction seems inevitable to the pure and inoffensive snow. Before night the weather may change, and a storm ensue, and good sleighing will of course be the consequence. I wanted to go and see Persis this afternoon, but Charles wanted to see Ann so badly that he fixed up and started on short notice. I have been looking for Sallie some this morning, but of course she won't come if I want to see her. I have been melting snow to wash with tomorrow, and I must go and get more.

11

A Social Season

Monday evening. I have left them downstairs, and come for the purpose of spending a few minutes in writing. I am very tired, as is usual after washing. This has been a lovely day—appeared very much like spring; in fact, it is almost spring. We will not be likely to get much more cold weather. Charles was getting wood today, and by accident cut one of the horses in the hind foot. It bled very much, but he succeeded at last in stopping it. Last evening after Charels and Ann came, John and I went to see Persis. We found her well. She brought us some nuts, which we cracked and ate. While we were there Mr. Van Deren called. He had been to see Mrs. Kirkendall, and got the—(here the outline of a mitten) —too, I should judge by his looks. He looked very *lemoncholy*. Poor fellow! I hope he may succeed in getting someone to accompany him back to *Eden*. If he does not I am sure it will not be any fault of his. Next Wednesday night the ball is to come off at Martin's. I presume there are a great many anticipating good times. They will not be disappointed for Martin always gets up good dances. Another thing—he has quite a large hall, which is very nice.

Tuesday evening. This afternoon I ironed. About two o'clock, Jary and Persis, Robert and Uncle Frank from Hartland came. Monday my old *man* started for Eden. Oh dear! I feel very lonely now.

Wednesday. This has the appearance of being a very pleasant day—no cloud to be seen, and when the sun appears with his broad rays it will be quite warm and springlike.

Thursday evening. The dance came off as anticipated. There were a great many present. We had a good supper, good dance, etc. When we got home it was seven o'clock. Ann and I went to bed and slept till twelve, then got up and bathed and combed our hair. George Green came and staid till after tea.

Friday. Ann and I went up to Mr. Green's, and while we were there Mrs. Hawkins and Post came.

Saturday. Today John has gone to Hartland. Mr. Peck's folks came and spent the afternoon with us.

Monday. After washing we sat down to our sewing, in which we were interrupted by the arrival of friend Sallie. She had come after me, and go I must. While she was still teasing, Robert came and gave us an invite to a party he was going to have the following

night, so of course I could not *possibly* go to Clark's. After Sallie had gone John and myself went down to see Persis. We had a very pleasant time.

Tuesday. Charles and Susan went to Milwaukee, and did not get back till seven. We got supper for him, and then dressed for the party. Charles fussed around so we did not get started till almost nine. Pretty time of night to go to a party. The roads were quite bad, and we ran smash up against a stump and broke the wagon, so, take things all round, we didn't get to the party till nearly ten. But after we *did* get there we had a good *old time*. Dan Warner played for us. The young people from Jennings's were all there; they invited us to go and see them the following Friday night, which we agreed to do.

Friday. About five o'clock we started for Jennings's. What roads we did have! Mud, mud, mud! We got through it slowly, and at last reached the edge of Howard's prairie, when we met Robert coming back. He said the water was so high across the road he was afraid to go on. We had quite a confab over it, in which the worthies that were present gave their different opinions. Some were for going back home, and others for going ahead. Charles was for the latter, so we started with the determination of going through the water at any rate. When we arrived at the *awful* place, we found the water up to the hubs of our wagon, but got along without any trouble, and in the course of fifteen minutes were safely seated in the home of Dr. Jennings. They seemed glad to see us; had given up hopes of our coming that night. We sat and got warm, and then commenced the doings of the evening, or rather night. The first thing was dancing, and then were passed around refreshments. I think the next operation was rolling the platter; then a game of euchre; then followed another dance, and some more kissing plays came next in order, in which there was *a great participation*. I can safely say I kissed the boys all I wished to. I don't remember what came next, but there is one thing I *do* remember, it was daylight when we *kissed* and parted; and another thing—it was nine when we got home. We all enjoyed ourselves very much, which I am sure no one could fail to do when in the company of such agreeable, polite, and friendly people as are the Jenningses. I think very much of the young gents—Wallace and Isaac.

Saturday evening, March 4th. Surely it is now March. How swiftly time flies! It hardly seems half the length of a year since last March, when I was engaged with young ones in school district no. 6. Yet it is even so—another year has passed into eternity. I

hardly know whether to call this a pleasant evening or not. The wind blows rather cold, but still it looks rather pleasant to see the last red rays of Old Sol as they are taking leave of us for another night. Wm. Wise came to see us this forenoon, and is coming to spend the night with us. He went down to see Persis this afternoon. The sun has entirely disappeared in the west, which renders it rather dark in my room—and another thing, my eyes feel as though some one had been putting *sand* in them. I have slept but little today, after last night's spree. Tomorrow is Sunday, and what shall I do to busy myself with? Oh, I suppose it will be, arise *very late*, make the beds, help wash dishes, comb my hair, read some, and maybe write a letter; then go down stairs, help get supper, wash the dishes, talk a while, read a while, and go to bed—and sleep awhile.

Sunday evening, 4 o'clock. As I expected last night, I arose late this morning, and after doing up the work read newspapers till after dinner. William has just left for Oak Creek, where he is teaching. This morning it was so very pleasant one would have supposed it could not so soon become cloudy, but now it looks very much like rain. Changeable weather we have in Wisconsin. When Charles was in Milwaukee he heard of the death of Mrs. Vallier. I did not think it was for the last time that I saw her last spring. It is even so; she has gone, and left four children to mourn her loss. That she may enjoy pure happiness in a future state is the wish of her friend.

Sunday evening, 8 o'clock, March 5th. John B. Nicholson and myself have been upstairs for the past hour talking over old times, and have been wondering where we should be one year from this day. We have agreed to write to each other wherever we may be just a year from today. I presume he will forget it, however, as he is a VERY FORGETFUL gent, and *seldom* keeps ANY promises he happens to make.

Monday, 6th. We washed as usual—had company also. Persis and Harriet Sexton came up with Jary when he went to mill.

Tuesday evening. It has been growing cold all day, and now the wind is blowing hard from the northeast.

Thursday eve. I have just come from Uncle Asa's. It is some muddy, I reckon. We have been making soap today. How much it looks like rain tonight! It has been cloudy all day. How happy I should be to see our friends the Jenningses this evening! I have not seen so pleasant a family in a long time. If it is so I can, I will go and spend a few days with them this spring or summer.

Friday morning. Ann and myself went down to see Persis. We

had only just taken our things off when Wallace came. I was very happy to see him. He staid till four o'clock, promising to come again next ——. William Sexton came from the north while we were there—brought me a philipena from Mr. Van Deren.

Saturday I went up to Mr. Morous's, and Sunday went to meeting. It really seemed like old times to get up and comb my hair and start for that schoolhouse where I have spent many an hour. After coming home Sunday evening John and I took a walk and talked of bygone days.

12

The Spring of 1854

Monday evening. This morning I put on a quilt, and have just finished it. We boiled some sap today, and made some warm sugar, which we all enjoyed very much. Mr. and Mrs. Law have been here today to make us a visit. The rain may now be heard pattering against my window pane. How softly it falls, and stands in large glistening drops upon every bush and blade of grass, as if conscious of the need of its refreshing warmth to bring back to life each inanimate shrub!

Wednesday evening. Today I received a letter from Cousin Louisa, also one from Miss Colburn. I have just written five pages to L. I guess she will be interested while perusing them. Last Saturday James Bovial left his earthly home to seek one above. The disease was one that originated from that fell destroyer, intemperance. How could one so young and intelligent be made the slave of intoxicating drink! For the past two years he was frequently seen putting the fatal cup to his lips, and draining the poison from it. Now, alas! he has gone to answer for all misdeeds committed here below. This ought to be a fearful warning for those that are in the habit of indulging in the glass of whiskey, brandy, or any other spirituous liquor. Those that attended his funeral said his father and uncle were both under the influence of strong drink. What a sight, to see a father staggering over the grave of his child! How seared and hardened must have become that heart which once yearned toward that son with a father's love! Yet such is thy influence, thou demon rum!

Friday noon. Yesterday I went down to see Persis; found her quite well. In the afternoon we went over to Welch's. I came home about dark. I was very tired. Today C. went to Milwaukee. Ann and I went down to see Mrs. Smith.

Saturday we went to the city to see Uncle Tom played. It was grand.

Sunday we went down to Jerry's—Wallace came to see me. Monday eve I went to the Ives schoolhouse to meeting. E. Guile accompanied me home.

Tuesday, March 28, 1853 [4]. I have just returned from Uncle Asa's, and read a letter from friend Sarah. This morning John went home. His school closed Saturday, and Sunday we went to Dr. Jennings's and had a very pleasant time. Got home about noon Monday. Mrs. Thomas Taylor was buried today. One by one the creatures of earth are passing away.

For nearly three years, the journal is silent. On October 28, 1854, its writer was married to Mr. Nathan Cobb, whose name appears often in 1852 and 1853. Death separated them after less than two years, and before the birth of Euclid Nathan Cobb.

13

A Marriage, and a Death

December 25th, 1856. Another Christmas morning has dawned upon us, and "merry" will it be for some, but not for me. I cannot forget the dear one that made merry the past Christmas, and who is now gone, never, never to return. Why was it so? How could it be? One so young! What pleasure is there in this world? One moment happiness may smile upon us, and the next, Oh, how dark and shadowed will be our path; not one bright spot in the future!

Thursday, January 1st, 1857. Another year is with those that were. One year ago I had a pleasant home and a dear companion; but he has gone, and Oh, how dreary does seem the future! Would that I were with him! I am weary, weary of living alone in this cold, selfish world.*

> I know that I shall die; and Oh, beloved,
> Chide me not if o'er thy heart I send
> The echoes of that voice which I have long
> In silence heard.

*The verses that follow are found in another part of this journal. Nothing is said of their authorship, or of the circumstances of their transcription.

I would have been the sunshine o'er thy path,
But such was not my lot. The light must fade,
The tones thou lovest linger not. I die
Ere the young freshness of our love hath flown;
I die, and *thou wilt be on earth alone!*

There is strange music in the air, and tones
Upon the twilight breeze, and voices heard
In midnight dreams, for those who early die;
I would that we had earlier met,
Dear friend, that all the sunshine of my first
Young dreams were poured on thee, for now my love
Hath caught that settled sadness which deep love
On earth must ever wear.

Thou wilt remember me? I know thou wilt;
Thou wilt sit here, perchance where we recline,
Beneath the shade of vines which I have reared,
And the sweet flower-scent will go floating by,
Blent with the mournful memories of the past.
Yet do not weep, but think of me as one
Whose heart was like the restless, moaning wave,
Which frets itself to peace—whose love was all
Too deep for bliss on earth, and who above
Will watch in anxious ministry thy step.

Lay me to rest in that lone, lovely spot
Which I have loved, and o'er my grave plant flowers;
Let not the funereal willow wave above;
I would remind thee, by all happy things,
Of him thou loved and lovest; and sometime come
To that sweet spot and think of me.

14

The Year 1857

The life of the months following is filled with sober and matronly duties and diversions. The writer of the journal washes, irons, dresses her brother's children, mops, bakes "pieplant pies, a cream pie, and rice pudding," has "pudding and milk for dinner" after

a hard forenoon's work, and "biscuit toast" for supper, or has "codfish and rice for dinner, and bread and butter and apple sauce for supper," or dines out on the way home from the city on "green peas and a first rate apple pie." She works in the yard, cleans the kitchen, sews carpet rags, puts carpets down, knits, "combs her hair," "helps Charles clean up his wheat," or rakes hay upon occasion, with the aid of friendly passers-by, who make the work over into mere sociability. She tells of electioneering by Charles, and of his "settling up town business" in his capacity of chairman. On March 19 she gets her "likeness" taken in the city. She loses her California pin, which she values very much, not for itself, but "only on the giver's account."

In April she is at a neighbor's, and is "treated to some lager beer," evidently a novelty. On the fifteenth of the same month, she hears "the report of cannon as we were coming, and learned from Charles that it was for the first train passing over the Milwaukee and Mississippi Railway." She goes to sewing society, reads "Dred," and learns to play two or three tunes on the melodeon. She reads the "Life of Josephine," and "Retribution," and "The Wanderer," and "Hidden Path," and Godey's Lady Book, and the Ledger.

She doesn't like "The Wanderer." "It isn't very interesting to me," she says, "as its characters have all the trouble imaginable, and no sunshine."

She sees the comet. "It is said the approaching comet has a great effect upon the weather. Some astronomers say it is going to come into collision with the earth the 13th of June. Maybe it will." But it didn't: "it passed on its way, and left the world and us to pursue ours." She wasn't much frightened by the astronomers; four days before the predicted ca-

lamity she and Ann "rigged up some hoops" after they finished washing.

On September first "Charles has been to the city, got home about ten. Sumner (his little boy) went up to the bee-hives to make playfellows of the bees, and they took offence and stung him all over his head and face; also some on his hands and feet. Ann went to get them, when they pitched at her. She feels 'most sick tonight." The next day "Ann is too unwell to do anything this forenoon," so the keeper of the journal does her work for her.

15

Hiram Showerman

This is the last day recorded in the journal. On Wednesday, September 2nd, 1857, the sober, old-fashioned writing ceases.

On August 19, 1857, thirteen days before the last date which appears in it, the writer records that when she got home it was nine, and that Mr. Tew was there. Nine days afterward, on the 28th, "Mr. Tew came last evening"; and on the 29th he came again.

Mr. Tew was an old friend of Hiram Showerman, who was then station agent for the Milwaukee and Mississippi Railway at Brookfield, sixteen miles north of Muskego. It was through Mr. Tew, at some time during the following twelvemonth, that Mr. Showerman and Ellen Parker Cobb first met. They were married on March 13, 1859, and resided in Brookfield, where the former died on July 26, 1884. Ellen Parker Showerman died in Madison, Wisconsin, August 26, 1910. Both are at rest in Prairie Home cemetery at Waukesha, Wisconsin.

Our Fair Wisconsin

There's nothing like Wisconsin,
So fair on every side,
Her woods and white-oak openings,
Her prairies spreading wide,
Her island groves, her shining rills,
The blossoms on her sunny hills—
Ah, there's nothing like Wisconsin,
Our wild Wisconsin home!

There's nothing like Wisconsin
In winter or in spring,
When the bright green decks the poplar trees,
And all the glad birds sing,
Or when dim suns haste through the skies,
And snow upon the prairie lies—
Ah, there's nothing like Wisconsin,
Our wild Wisconsin home!

You'll not find brighter summers
In any southern land,
When the Indian corn is rustling
In the prairie breezes bland:
When berries glisten in each glade,
Or ripen in the forest shade—
Ah, there's nothing like Wisconsin,
Our wild Wisconsin home!

There's nothing like Wisconsin
In the Indian summer days,
When the distant hills are faintly seen
Through blue and smoky haze,
When the hunters through the forest roam,
And wild birds seek a southern home—
Ah, there's nothing like Wisconsin,
Our wild Wisconsin home!*

* This poem, of unknown authorship, was written in the same book that contained the journal.

PART THREE

THE REPORT OF THE INDIAN STREAM COMMISSIONERS

1836

[From an original print in possession of the New Hampshire Historical Society.]

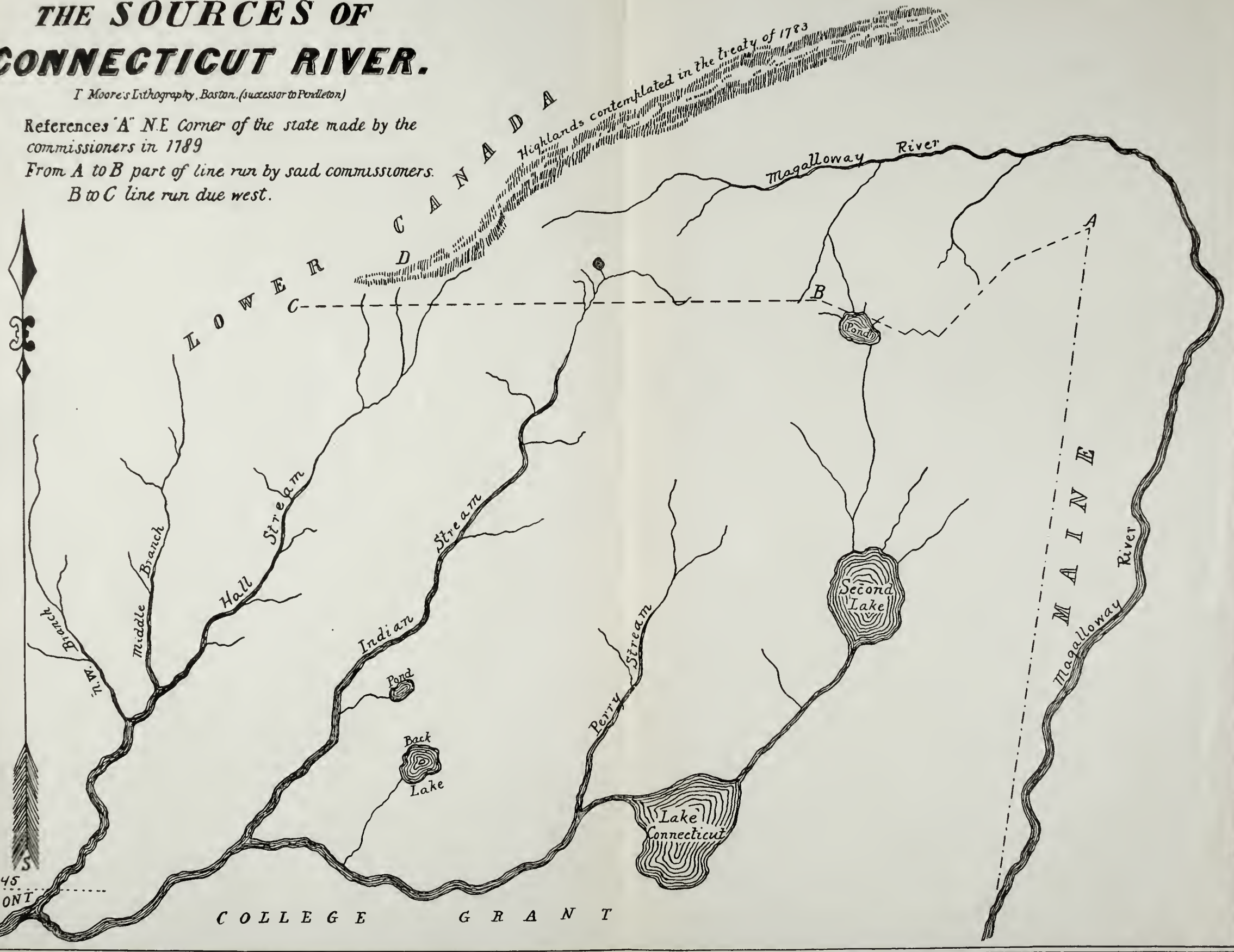
PLAN OF
THE SOURCES OF
CONNECTICUT RIVER.

T. Moore's Lithography, Boston. (successor to Pendleton)

References "A" N.E. Corner of the state made by the commissioners in 1789

From A to B part of line run by said commissioners.

B to C line run due west.



Resolved *by the Senate and House of Representatives in General Court convened*, that the state of New Hampshire should continue the possession of the Indian Stream Territory, and maintain the jurisdiction of this state over the same, until the question of boundaries now in dispute between the United States and Great Britain affecting the limits of said territory shall be finally settled, and His Excellency the Governor be requested to render all necessary aid to the executive officers of the county of Coös in causing the laws of said state to be duly executed within the limits of said territory.

Resolved that the Executive be authorized to appoint commissioners to repair to Indian Stream, and collect and arrange such testimony as may be obtained to rebut and explain the charges and testimony obtained and preferred against the authorities and citizens of this state by Lord Gosford, Governor of the province of Lower Canada.

Resolved that the commissioners so appointed be authorized and directed to arrange and publish, for the use of the legislature, one thousand copies of such portions of the documents and correspondence relating to our Indian Stream difficulties as they may think proper.

Approved June 18, 1836.

REPORT

To His Excellency the Governor of the State of New-Hampshire.

The undersigned, commissioners appointed under a resolution of the legislature of New Hampshire, approved June 18, 1836, "to repair to Indian Stream and collect and arrange such testimony as may be obtained to rebut and explain the charges and testimony obtained and preferred against the authorities and citizens of this state by Lord Gosford, Governor of the province of Lower Canada," have attended to that duty, and now make the following report:

The charges made by Lord Gosford are the three following, viz.:

1. "The first and most serious is the irruption within the limits of this province (Lower Canada) of armed citizens of the United States, under the command of, or countenanced by an officer holding a commission in their militia, for the avowed purpose of attacking and forcibly carrying out of the province several of H. M.'s subjects."

2. "The continued attempts of the state of New Hampshire, notwithstanding the repeated remonstrances of H. M.'s gov't, to exercise jurisdiction and to enforce its laws within a territory, which, until it shall be formally adjudged to be part of the U. S. under the treaty of 1783, must be considered as still undetached from the original possession of Great Britain, and its inhabitants consequently within the protection of her government."

3. "The military occupation, by the state of New Hampshire, of the territory in question."

The commissioners, in order to present to Your Excellency and to the honorable legislature of the state a plain and intelligible account of the controversy relating to the Indian Stream Territory, have given to the subject a more extended examination than was necessary simply to rebut and explain the charges of Lord Gosford. The following statement of facts, it is believed, will clearly and unequivocally justify the state of New Hampshire in maintaining jurisdiction over this territory, and show that all the acts of violence there committed are to be entirely attributed to the attempt of certain individuals in Lower Canada to extend the authority of that province over the territory in question, since the pretended award of the King of the Netherlands, the state of New Hampshire having exercised quiet, peaceable, and exclusive jurisdiction over the same from the peace of 1783 to a period subsequent to said pretended award. In the year 1789 a committee was appointed by the legislature of this state for the purpose of ascertaining the boundary lines between the state of Maine, then Massachusetts, the province of Lower Canada, and this state. This committee attended to the duties assigned them, and established and marked by suitable monuments, many of which are now remaining, a boundary line of the state, including all the territory now in dispute, and making the head of Hall's river our northwestern boundary monument. That the committee were right in their construction of that part of the treaty of 1783 relative to this subject is manifest from the following reasons:

1. This is the only head of Connecticut river that intersects with the highlands dividing the waters which fall into the Atlantic from those which fall into the St. Lawrence.

2. This is manifestly and notoriously, by far, the most northwestermost head of Connecticut river, that claimed by the British government being manifestly the most northeastern head of Connecticut river.

3. The Magalloway river, a branch of the Androscoggin, takes its rise many miles north and west, not only of that branch of the Connecticut claimed by the British as the northwestermost head, but also north and west of Indian Stream, so that, pursuing the highlands indicated by the treaty, one would never arrive at the head waters claimed by the British government as those indicated by the treaty, but would have to leave the highlands and cross the Magalloway river to attain the object.

The above fact of the true source of the Magalloway river, it is believed, is not noticed in any geography, nor laid down upon any map of the country. This may be easily accounted for on account of its remote situation and unsettled state. It is, nevertheless, an important fact, and one which goes far not only to show that the British claim to jurisdiction over this disputed territory is unfounded, but that by the words of the treaty New Hampshire is entitled to a much larger territory there than we have ever yet claimed. Many of the first settlements of this territory were by persons who fled there from the neighboring states to avoid the payment of their debts, or the criminal process to which their crimes had rendered them amenable. As the population increased, the character of the inhabitants improved; and although at times some of them claimed to belong to Vermont, and at other times to Maine, and at other times to be within the jurisdiction of the United States, but not of any particular state, and at other times to be independent either of the U. S. government or the government of Great Britain, yet the

officers of the state of New Hampshire, from time to time, as occasion required, executed divers processes issuing from the courts of this state upon the inhabitants there, and although sometimes they met with such resistance as was to be expected from the character of the inhabitants, yet no complaint was ever made on account thereof by the officers of the province of Canada, or of any foreign government whatever. Indeed, the oldest inhabitants in the territory or the towns adjacent have no recollection of ever having heard of any act of any other government ever exercised within the territory, save by the state of New Hampshire. The inhabitants have uniformly resorted to New Hampshire for the purpose of being united in marriage, whenever there was such a ceremony to be performed among them, and in divers other ways, such as taking advantage of our bounty laws for the destruction of certain wild animals, manifested under whose protection they lived, and to what government they supposed they owed allegiance. Affairs were in this quiet posture at this place at the time of the pretended award of the King of the Netherlands; and at a period subsequent to that, one of those restless individuals, the bane of every well-ordered society, who are never easy unless busied about the affairs of their neighbors, claiming to be a magistrate of Lower Canada, and to be acting by the direction of the Governor of that province, began to claim the territory as belonging to the province of Lower Canada. This claim was now asserted in various ways, such as sending pretended warrants in the name of the King of Great Britain into the territory. He also sent a letter directed to various individuals there, requesting them to assemble at the school house in one place on Saturday, and another on Sunday, and when they were thus assembled he met

them and exhorted them to open resistance to the laws of the state, and assured them of the protection of the government of Lower Canada in so doing.

It is the opinion of the better disposed part of the community there, that all the difficulties which have occurred at that settlement within the three or four years last past are to be attributed to the mischievous interference of the individual alluded to, and from all the investigation which we were able to make we were unanimously of the same opinion.

If it be the fact that Hall's Stream be the northwestermost head of Connecticut river, and if the state of New Hampshire has exercised jurisdiction over this disputed territory from the peace of 1783 to the present time, and these two points are incontestibly proved by testimony taken by the commissioners, and accompanying this report, then the 2d and 3d cause of complaint, as set forth by Lord Gosford, entirely fail, for the military occupation spoken of by him, and the attempted jurisdiction of the state of New Hampshire, are justified by every principle of the law of nations, as well as by that protection which every government owes to its citizens.

We now proceed to state all the facts relating to the first charge of His Lordship, and we have thus inverted their order because it seemed to us the most natural course; for if we had no title to the soil, then our jurisdiction was usurped and wrongful, our military occupation unjustifiable, and our whole defence untenable. In October, 1835, William M. Smith, a deputy sheriff of Coös county, had a writ put into his hands for service against one John H. Tyler, an inhabitant of the disputed territory. Smith, not knowing Tyler, and also apprehending some resistance, procured one Richard I. Blanchard and John Milton Harvey to

assist him, and then proceeded to Tyler's house for the purpose of making service of the writ. Not having found said Tyler at his house, they went in pursuit of him, agreeably to the directions which they had received, and soon met said Tyler. Smith then requested said Tyler to show him property, that it might be attached on the writ, which he refusing to do, he was arrested by said Smith, who was proceeding with said Tyler in custody, when he was forcibly rescued from said Smith's possession by several of the inhabitants.

Upon this, the individual before referred to as the occasion of all the difficulties at this place issued a warrant in the name of the King of Great Britain against said Smith, Blanchard, and Harvey, for attempting to execute process there, not issued by authority of the King of Great Britain, and sent it into the settlement for the purpose of having it served upon the individuals against whom it had issued. This was done with a full knowledge of the fact that this state had, by a resolution of the legislature, determined to maintain its jurisdiction over the territory until the boundary line should be definitely and satisfactorily settled.

By virtue of this pretended warrant, on the 22d day of October, A. D. 1835, said Blanchard was taken from his own dwelling house by an armed body of men, with the express and avowed purpose of carrying him into Canada for trial, on the absurd charge of having assisted in serving a writ duly issued by the competent authority of the county of Coös.

The news of this outrage was immediately spread through the adjacent towns, and excited very great indignation against its perpetrators. The inhabitants very generally, upon being notified of the fact, expressed

a determination not to suffer their fellow citizen thus to be taken from his home and carried out of the state without an attempt, at least, on their part to rescue him. In pursuance of this determination several citizens of the neighborhood went over the line dividing this state from the province of Lower Canada, for the purpose of intercepting those who had said Blanchard in custody, and effecting his release. This was effected without any violence, and, so far from being done under the direction of any military officer, it was an entirely spontaneous assemblage of citizens aroused by what they deemed a gross outrage upon the rights of one of their fellow citizens, subject to the direction of no military or civil officer of the state. How far this proceeding is to be palliated or justified, the wisdom of the legislature may best determine. The facts are here stated. After said Blanchard had been thus rescued, the individuals who had turned out for that purpose assembled at the store of Parmelee & Joy, in Canaan, Vermont. Among the number was William M. Smith, the deputy sheriff before spoken of, who had previously arrested one John H. Tyler, and who had been rescued from him in the manner before stated. He then offered a reward of five dollars to any one who would deliver said Tyler to him. A notion seemed very generally to prevail amongst those who were then present that said Tyler, having once been legally made a prisoner, by the arrest of said Smith, might be retaken again wherever he could be found. This John H. Tyler was one of those who had said Blanchard in custody at the time he was rescued in the manner before stated. After Smith, the deputy sheriff, had offered this reward for the recapture of said Tyler, several of the individuals who had left their homes for the avowed and express purpose of rescuing Blanchard unadvisedly

and improperly went over the line for the purpose of retaking Tyler, they having at that time the impression that they were justified in so doing. No sooner were these individuals over the line than they were set upon in a furious, boisterous, and outrageous manner by the individual before referred to as the cause of all the difficulty at the Indian Stream settlement, and the very individual who had issued the warrant by which Blanchard had been dragged from his home as before stated.

This individual came upon them while they were peaceably and quietly demeaning themselves, having offered or threatened violence to no one, and ordered them off the highway, and attempted to make prisoners of them, and called upon those who were with him to assist. The New Hampshire citizens, not relishing the idea of thus being made prisoners, resisted, and, being assaulted with great violence by the inhabitants of Canada, their horses' bridles seized, and stones thrown violently at them, defended themselves with such arms as they had with them, having taken them at the time they turned out for the rescue of Blanchard. We do not undertake to state with accuracy all the particulars of the skirmish which ensued upon this assault, but we are confident in the assertion that the first violence offered or threatened was that done to the citizens of New Hampshire by citizens of Canada. The result was that the individual who commenced the brawl was violently seized and brought over the line into Vermont, and there detained some hours, and finally set at large.

As to the assertion that the late Gov. Badger was connected with a band of speculators claiming the territory of Indian Stream as their private property, we are aware of no rule of courtesy or etiquette which requires us to call it by any milder name than *falsehood*.

The commissioners, in conclusion, are happy in being able to inform Your Excellency and the legislature that the inhabitants of this section of our state are now in as quiet and peaceable condition, as free from internal commotion or foreign interference, as any portion of the state whatever. The citizens there, who were friendly to the preservation of good order and the wholesome administration of the laws, and who had begun to apprehend that they were neglected, have been assured that the protecting energies of the state are extended to all within her borders, while the lawless and the vicious have been made to feel that their remote situation affords no sanctuary for crime.

We have no hesitation in saying that the people are now contented and happy under the government of the state, and that in future there will be no need of any farther aid from the militia to assist the civil officers in the due execution of their respective duties.

The commissioners are of opinion that the measures adopted by the late Governor of this state, Hon. William Badger, in relation to this subject, were wise and judicious, and that to his prompt and efficient interference to maintain the integrity of the state and the dignity of the laws, is to be attributed the present quiet condition of the inhabitants there.

JOSEPH LOW,
RALPH METCALF,
JOHN P. HALE,
} *Commissioners.*

Nov. 23, 1836.

APPENDIX

Hon. Isaac Hill to Hon. John Forsyth

SENATE CHAMBER, WASHINGTON,
Jan. 4, 1836.

HON. JOHN FORSYTH.

Sir:—I have this morning received from the Adjutant General of the state of New Hampshire the accompanying letter, enclosing other letters showing the present condition of the settlement of Indian Stream, situated in the northerly section of that state, on the confines of Lower Canada. These communications, after perusal, I wish may be returned.

It is manifest from these letters, as well as from other facts transpiring, that the difficulty would at once be settled, if the malcontents had not a tolerable presumption that they will be protected in their acts of meditated violence by the British authorities in Lower Canada. If assurances may be obtained that the aggressors, who are principally fugitives from the states, shall not be countenanced by the British authorities, the necessity for continuing an armed force by the state will have been superseded. If such assurances cannot be obtained, will it not be the duty of the national Government at once to protect the state of New-Hampshire and its citizens in the rightful jurisdiction and possession which never, until recently, has been denied them? An early answer is requested.

I am, respectfully, sir,
your ob't servant,
ISAAC HILL.

Hon. Isaac Hill to Hon. John Forsyth

SENATE CHAMBER, WASHINGTON,
Jan. 6, 1836.

HON. JOHN FORSYTH.

Sir:—I have this morning received additional letters from Indian Stream, in Coös county, New Hampshire, which I enclose, and, after perusal, wish to be returned with others heretofore sent.

You will perceive by these last letters that the course pursued by the Canadian government is calculated to encourage the malcontents in that region. It appears to me that the National Executive has it in its power to put a stop to that interference of the foreign government, which is certainly new in regard to this territory. The Canadian government has just as much right to direct its magistrates to take depositions at Lancaster, the shire town, as at Indian Stream in the same county; and if it would be the duty of the Executive to interpose its power to prevent an invasion in one case, it will be in the other.

I am, respectfully, sir,
your obedient servant,
ISAAC HILL.

Hon. John Forsyth to Hon. Isaac Hill

DEPARTMENT OF STATE,
WASHINGTON, 11th Jan. 1836.

HON. ISAAC HILL.

Sir:—Your letters of the 4th and 6th instant, transmitting certain papers relative to the present condition of the settlement at Indian Stream, have been received. In returning these enclosures, in compliance with your request, and tendering my acknowledgments for the

opportunity afforded me of perusing them, I have to add, in answer to the suggestions contained in your communications, that no necessity is believed to exist, at present, for the interference of the general government, in the manner proposed, for the protection of New Hampshire and its citizens in the jurisdiction and possession of the Indian Stream Territory.

I am, Sir, respectfully
Your obedient servant,
JOHN FORSYTH.

Hon. John Forsyth to Gov. Badger

DEPARTMENT OF STATE,
WASHINGTON, Feb. 1836.

HIS EXCELLENCY WILLIAM BADGER,
GOVERNOR OF THE STATE OF NEW HAMPSHIRE.

Sir:—I have the honor to transmit to Your Excellency herewith the copy of a note addressed to this department on the 18th instant by Mr. Bankhead, His Britannic Majesty's Charge d'Affaires at Washington, enclosing the copy of a letter which he has received from the Earl of Gosford, His Majesty's Governor General of Canada, with a variety of accompanying documents relative to a complaint preferred by His Excellency against several citizens of the United States residing in New Hampshire, for an alleged outrage committed on the persons of certain subjects of His Britannic Majesty, and for a violation of British territory.

I am directed by the President, in communicating to Your Excellency copies of the papers referred to, to express his confident expectation that you will be enabled to furnish to this department such facts and explanations regarding this matter as may prove entirely satisfactory to His Britannic Majesty's govern-

ment, and remove any misapprehensions that may exist in relation to it on the part of the Canadian authorities.

As it is intended that no reply should be made to the substance of Mr. Bankhead's complaint before the department is in possession of Your Excellency's answer, I beg leave to invite your early attention to the subject.

I have the honor to be, respectfully,
Your Excellency's obedient servant,
JOHN FORSYTH.

Lord Gosford to Mr. Bankhead

CASTLE OF ST. LEWIS,
QUEBEC, 6th Feb. 1836.

Sir:—It has become my duty to communicate to you the details of an outrage of a very grave character, which has recently been committed within the undoubted limits of this province by an armed body, consisting principally of citizens of New Hampshire, on two of His Majesty's subjects—one a justice of the peace, and the other a peace officer, while in the execution of their official duties. And I have to request that you will take such steps as you may judge advisable to obtain immediate redress from the justice of the central government of the United States for this infraction of the law of nations, accompanied by acts endangering the lives and violating the liberties of His M.'s Canadian subjects.

Before entering into the details of the case, it is proper to inform you that they were collected under a commission which I appointed for the purpose, consisting of three gentlemen who were expressly made justices of the peace in order that all the evidence

might be taken (as it was) under the sanction of an oath, was to render the information obtained as formal and accurate as possible.

From the copies of the documents, which I have the honour to transmit, and especially from the report of the commissioners No. 1, and the affidavit No. 5, of Mr. Rea, you will perceive that the origin of the present affair may be traced to the assumption of jurisdiction by the state of New Hampshire over the township of Drayton, or, as it is otherwise called, the Indian Stream Settlement, which has more than once formed the subject of remonstrance with the government of the United States, through His Majesty's minister at Washington. You will further perceive that on the 15th October last Mr. Rea, who is a justice of the peace for the district of St. Francis, residing in the township of Hereford in this province, issued his warrant, upon the sworn information of one John H. Tyler, an inhabitant of the township of Drayton, for the apprehension of William Smith, John Milton Harvey (American citizens) and Richard I. Blanchard, of Drayton, for having arrested the said Tyler under the authority of the sheriff of Coös, New Hampshire.

Under this warrant Blanchard, only, was arrested on the 22d October at his residence in Drayton; and while the constables were conveying him to Mr. Rea's he was forcibly rescued in the highway by a body of armed men, citizens of New Hampshire. The constables, and others who had assisted in the arrest, immediately proceeded to inform the magistrate of the rescue, and on their return home, when about fifty rods from his house, were again stopped on the public highway by one Miles Hurlburt of Stewartstown, New Hampshire, and Ephraim Aldrich of Drayton, two of the armed body, and both on horseback. On

observing this, Mr. Rea, to avoid even the appearance of force, laid aside the stick which his lameness in general obliges him to use, and proceeded to remonstrate against this unwarrantable and illegal act, when Hurlburt presented a large pistol or carabine, and threatened to fire upon him if he attempted to advance; Mr. Rea, after frequently exhorting them, without success, to retire, and receiving in return only threats and abusive language, directed Bernard Young, a peace officer of the township of Hereford, to arrest Aldrich who was apparently unarmed. On Young's attempting to execute the order, Aldrich drew a horseman's sabre from under his cloak, and struck him a violent blow on the neck. At the same instant Hurlburt, who was about five yards distant, fired his carabine or pistol at Mr. Rea. The ball, missing this gentleman, took effect on Young, and wounded him in a very dangerous manner.

Immediately afterwards Aldrich inflicted a deep wound on Mr. Rea's head, and, about this time, others of the armed party coming up, Mr. Rea attempted to make his escape, but was overtaken, nearly murdered, and eventually carried prisoner into Canaan in Vermont, where, after being detained some hours, he was enabled, through the interference of Herman Nichols, a magistrate of that state, to return to his own house.

The scene of these violent proceedings is not in the disputed territory, but clearly within the limits of this province. The party engaged therein consisted of about 50 or 60 persons, although not more than 18 or 20 appear to have taken an active part in the attack upon Mr. Rea, and in his subsequent abduction; of this number 3, only, were inhabitants of Drayton, the remainder citizens of the U. S., of whom one was a captain in the 24th Regiment of New Hampshire

militia named James Mooney, then in command of a detachment of 50 men quartered in the township of Drayton.

On a perusal of the accompanying documents you cannot fail to observe that H. M's gov't has more than one distinct cause of complaint to bring under the notice of the American gov't arising out of these transactions. The first and most serious is the irruption within the limits of this province of armed citizens of the U. S., under the command of, or countenanced by an officer holding a commission in their militia, for the avowed purpose of attacking and forcibly carrying out of the province several of H. M's subjects. Secondly, the continued attempts of the state of New Hampshire, notwithstanding the repeated remonstrances of H. M's gov't, to exercise jurisdiction and to enforce its laws within a territory which, until it shall be formally adjudged to be part of the U. S. under the treaty of 1783, must be considered as still undetached from the original possession of Great Britain, and its inhabitants consequently within the protection of her gov't. And, thirdly, the military occupation, by the state of New Hampshire, of the territory in question, a proceeding which can be productive only of embarrassment to the two governments, without varying in any respect the rights of either.

Having thus put you in possession of the principal features of this transaction, I feel it unnecessary to offer any suggestions as to the specific redress that ought to be demanded on the present occasion. And I the more readily abstain from this, under the persuasion that it requires nothing but a knowledge of the facts to induce the gov't of the U. S. to adopt measures which will at once prove satisfactory to H. M's gov't, and prevent the repetition of occurrences tending to disturb the

harmony and good understanding which now exists, with so much advantage to both nations.

I have, &c., &c.

(Signed) GOSFORD.

CHARLES BANKHEAD, ESQ., &c., &c.,

Report of Commissioners Appointed by Lord Gosford

To His Excllency the Earl of Gosford, Captain General and Governor in Chief in and over the provinces of Upper and Lower Canada, &c., &c., &c.

We, the undersigned, commissioners appointed by Your Excellency to enquire into and investigate certain offences alleged to have been committed by Ephraim H. Mahurin, Thomas B. Blodgett, and others, citizens of the United States of America, against Alexander Rea, Esq., and other subjects of His Majesty in the province of Lower Canada, to examine witnesses under oath touching the said complaints, and to report what felonies, misdemeanors, breaches of the peace, and other offences, if any, should appear to have been committed by the said persons within the said province of Lower Canada, having visited the townships of Hereford, Drayton, and Compton, and examined divers witnesses, have the honor to report: that it appears from the depositions taken before us, and herewith transmitted to Your Excellency, that for a length of time attempts have been occasionally made, without success, by the authorities of New Hampshire to exercise jurisdiction over the Indian Stream Settlement in the township of Drayton; and that during the last 12 months a disposition to reduce that settlement by force, under the control of New Hampshire, has been more fully evinced by numerous acts of violence and oppression committed on the inhabitants by persons professing to act under

authority from the state of New Hampshire. It further appears that serious offences have been recently committed against the laws of this province, within its undoubted boundary, by armed parties from the state of New Hampshire, in the first place by the forcible rescue of one Richard I. Blanchard, while he was being conducted to Hereford under arrest in virtue of a warrant from Alexander Rea, Esq., a justice of the peace for the district of St. Francis, at a spot within the limits of the said township of Hereford, as will be seen on reference to the accompanying diagram and map, on which the same has been accurately marked by Capt. Hayne after actual survey; and, secondly, by a violent attack on the peaceable and unprotected inhabitants of Hereford by an armed body acting under the directions of an officer in the New Hampshire militia, of the name of James Mooney, in which Alex. Rea, Esq., and Bernard Young, inhabitants of Hereford, were severely wounded, and the former forcibly conveyed over the boundary into the state of Vermont, where, after having been subjected to much abuse and ill treatment, he was released by a magistrate of that state. It appears to us that no satisfactory reason can be adduced in justification of these outrages, and that the only excuse offered in palliation is that Alex. Rea exercised undue authority in granting a warrant for the arrest of said Blanchard and one Luther Parker of Indian Stream, although at the time he was acting in the course of his duty as a magistrate in consequence of an assurance given to the inhabitants of Indian Stream that they should be protected by the gov't of this province. It also appears to us that no fair argument can be advanced in favor of the pretensions of the state of New-Hampshire to the Indian Stream Territory, the words of the treaty of 1783 being clear, and the boundary

defined by the Connecticut river in that part, but it is attempted to substitute a tributary known by the name of Hall's Stream for the Connecticut river, although each of these has been known by the name which it now bears for upwards of 50 years. It moreover appears that Governor Badger of New Hampshire is connected with a company of land speculators, who claim the territory of Indian Stream as their private property under a pretended title from one King Philip, an Indian, which might possibly induce a belief that he is actuated by other motives than state policy in his attempts to annex it to the state of New Hampshire. It appears, also, that the inhabitants of Indian Stream Settlement, situated on a territory in dispute between both countries, and over which jurisdiction had been occasionally exercised by each, framed and adopted a constitution for themselves for their better government, which was to become null and void on the final settlement of the boundary question. Amongst others one Luther Parker took the oath to support this constitution, and was elected a member of the executive council, but, having through misconduct forfeited the confidence of the inhabitants, they ceased to elect him or to promote him to any office under the constitution, in consequence of which he became dissatisfied, transferred his allegiance to the gov't of New Hampshire and has ever since, by misrepresentations to that gov't and by all other means in his power, continued to harass and disturb the peace of the inhabitants of Indian Stream; and, leagued with five others, he forwarded a petition for protection to the gov't of New Hampshire, falsely purporting to be a petition of the inhabitants of Indian Stream, but in reality signed by certain inhabitants of Colebrook, Stewartstown, and Clarksville in the state of New Hampshire. This Luther Parker was subse-

quently arrested under a warrant issued by Mr. Rea for an assault on one Jonathan C. L. Knight, and conveyed to Sherbrooke gaol, whence he was discharged on giving bail.

We have further to report to Your Excellency that several of the inhabitants of Indian Stream, obnoxious to the authorities of New Hampshire on account of their attachment to the British gov't, have been driven from their homes, that their houses have been rifled, their females abused, and their property sacrificed, and that the territory is now in the possession of a body of New Hampshire militia, consisting of 50 men under the immediate orders of the same James Mooney who was conspicuous in the affray at Hereford; that in our progress thro' the Indian Stream Settlement in the prosecution of our enquiry we were stopped on the highway, near the house of one Fletcher (also marked on the accompanying figurative plan), by a military guard composing a part of the force above mentioned, who at the point of the bayonet commanded us to stand, and would not permit us to pass, altho' made aware of the authority under which we were acting. And we further report that several of the inhabitants of Indian Stream have been lately carried prisoners to Lancaster gaol in the state of New Hampshire for rebellion against the laws of that state, some of whom have been liberated on bail, but two of the number, viz., Emor Applebee and Benj. Applebee, still remain incarcerated. Amongst those who were most active in the commission of the outrages above mentioned, we would direct Your Excellency's attention in an especial manner to Ephraim C. Aldrich and Luther Parker, inhabitants of Indian Stream, the former being the person who cut Mr. Rea over the head with a sabre, and who afterwards attempted to take his life, and the latter, who acted as a

spy and general disturber of the peace, as also to Miles Hurlburt of Stewartstown, New Hampshire, who shot Bernard Young, James Mooney, the captain of the guard stationed at Indian Stream, Ephraim H. Mahurin, Thomas B. Blodgett, and James M. Hilliard, who were the leaders of the party which rescued Blanchard, and to Joseph P. Wiswell. And we do further report that from the disposition manifested by the authorities of New Hampshire to oppress the inhabitants of Indian Stream, and the threats which are daily made of again offering violence to Mr. Rea and others, His Majesty's subjects in that quarter, there appears to exist an absolute necessity for speedy measures being taken by the British gov't for their relief and protection. We would humbly recommend to the favorable consideration of Your Exc'y Bernard Young, who was severely wounded while acting as a peace officer in the execution of his duty under Mr. Rea, he being still incapacitated for labor, and much injured in his general health, and having no means of paying the fees of his medical attendant, or of earning a livelihood, except by the work of his hands; and in conclusion we beg leave to observe that we are indebted to Capt. Hayne for his assistance in ascertaining and marking on the diagram and plan the situation of the different places referred to in the deposition of the witnesses, and in this our report, which is humbly submitted.

Lennoxville, 1st January, 1836.

Signed EDWARD SHORT,
I. MCKENZIE,
BENJ. POMROY.

Hon. William Badger to John P. Hale, Esq.

GILMANTON, Nov. 3, 1836.

JOHN P. HALE, ESQ.

Dear Sir:—I have this moment rec'd your letter stating that the committee appointed by the Governor of Canada to make certain investigations at Indian Stream reported that I was connected with a certain company of land speculators, who claim the territory of Indian Stream as their private property under a pretended title from one King Philip, an Indian.

So far the report is entirely false, without the least shadow of truth. I have not, and never had the least pretence or claim to any of the lands in that section of the state under King Philip or any other one, and the accusation is as groundless as I think the claim of the British government to that territory.

I am, dear sir, very respectfully,
Your ob't servant,
WILLIAM BADGER.

E. H. Mahurin to Gen. Joseph Low

COLUMBIA, Aug. 28, 1836.

Respected Sir:—Having now got some over the fatigue of our tour, I proceed to communicate to you some information which I deem of some importance to the state, and which must be conclusive in settling the boundary line on Indian Stream Territory.

I had been told by some old hunters that the waters of the Androscoggin run several miles around to the north of the corner as marked by Col. Eames in 1789; and I communicated that fact to Gov. John Bell in 1828, requesting him to urge that fact strongly on the commissioners at that time engaged in settling the

boundary question; but it seems that all-important fact has never been urged on the British government.

It is not strange that Col. Eames and the committee of '89 should have thought that they were on the treaty "highlands" when they got on to the mountain where they marked the corner; the country at that time was entirely unknown except to the Indians, and it appears by Col. Eames's journal that the weather was cloudy and stormy, and they could not have that view which we had in clear weather; also the small streams running from that range of mountains generally run northwardly, and might very naturally be mistaken for "Canada waters," as he terms them in his journal. In all our tour we never passed a single stream or rivulet but what ran into either the Androscoggin or Connecticut, and I think we could not have been nearer than eight or ten miles to the nearest waters of St. Francis river.

I send you a rough, hasty sketch of the situation of the streams and highlands, drawn without instruments, in a few moments, but which will give you as good a general view of it as if done with mathematical accuracy. You will notice by this that it is very plain that either Indian Stream or Hall Stream, and probably the latter, must be the "head" of Connecticut river intended by the treaty, as you cannot follow the highlands westerly and get near the waters which run into the lakes.

In fact, if the United States and the British government would each appoint an intelligent, practical man, and have them go and make an actual examination of the highlands and waters, they would settle the question at once, and put a final end to this vexatious controversy, and much more favorable to us than we have ever contended for.

At any rate, according to their own construction of

the treaty, we have from 40 to 60 thousand acres of land more than we ever thought of claiming; and Gen. Young and Mr. Hillard, who left us when we were running the north line, and went on to it and examined the land, waters, &c., say much of it is excellent land. Considering this information of importance, I have thought it my duty thus early to apprize the commissioners of the fact, that they may communicate it to the Executive.

I find some difficulty in finding good hands, in this busy time of harvesting, to go out with me, but hope to be able to set out on Wednesday next to complete the survey of the rivers.

I am respectfully,
your ob't servant,
EPH. H. MAHURIN.

GEN. JOSEPH LOW.

P. S. Magalloway river is the main branch of the Androscoggin river.

DEPOSITIONS

Deposition of Ephraim H. Mahurin

I Eph. H. Mahurin, of Columbia, Coös county, N. H., depose and say that in August last past I was employed by Gen. Jos. Low and others, the Indian Stream commissioners, as a surveyor to examine and survey the sources of the several branches of Connecticut river, and the heights of land adjacent, as set forth in the survey of the state's commissioners in the year 1789. That, accompanied by Gen. Ira Young, James M. Hilliard, and others, as packmen, &c., I proceeded to Lake Connecticut, and from thence to the Second lake, so called, which we explored, and the various small streams

leading into it; from thence we crossed the highlands to the easterly line of the state of New Hampshire, which line we followed, crossing many small streams running eastwardly into Magalloway river, which is a large branch of Androscoggin river, until we reached the northeasterly corner, which we found to agree with Col. Jeremiah Eames's journal of the survey in 1789, being marked on a birch tree, and the marks on the same corresponding, as far as legible from age, with those noted in the journal of said survey. We then followed his line, and found the points of compass and distances to agree with his journal and field book for about eight miles, which led us to a point considerably north and west of the upper lake or pond, and also of all the waters running into the same. We found two or three very small brooks running into said pond from the north, which, we judged, were none of more than one half mile in length, and the lands to the north very high, and the heights lying in rather a circular form in a northerly direction.

We then run and marked a line due west to Indian Stream, which we found, where we crossed it, sufficiently large for mills at a good pitch of water, and then run, measured, and marked a line due west from thence to Hall Stream, on its easterly branch, being much the longest branch of said stream, and found the distance between the streams to be three and one half miles and ten rods.

We then run on three miles west, crossing two small brooks evidently leading into the east branch of Hall Stream, and over some high land, and at the end of three miles came to waters leading into Clifton river in Lower Canada at the point marked "C" on the plan exhibited.

We then surveyed the stream from the mouth of Indian Stream to the mouth of Hall Stream, and then

surveyed Hall Stream from its mouth to the source of the easterly branch, and found it to be eighteen miles and twenty two rods in length, and surveyed Indian Stream from our west line to its source.

On the accompanying plan the river, between the mouths of Indian and Hall Streams, the whole of Hall Stream, and that part of Indian Stream northerly of our west line, are laid down from actual survey and admeasurement. Indian Stream from said line to its mouth, and the lakes and waters leading into and from them, as also Perry Stream and Magalloway river and their branches, are laid down from examination, and not from actual survey and admeasurement.

From our examination it is rendered certain that the state's committee, who run the line in 1789, mistook the waters of Magalloway for waters running into the St. Francis, and supposed they were on the highlands according to the treaty, when, in fact, they were on the highlands dividing the waters of Magalloway and Connecticut rivers, and that between the line then marked and the actual highlands, according to the treaty, lies a large tract of land on the waters of said Magalloway, which, according to any reasonable construction of the treaty, must be within the United States, and appeared to be valuable land.

The heights of land contemplated by the treaty, as laid down on the plan, are one continuous chain of mountains, ranging about northeast and southwest, as far as we could see to the northeast, but are not as high when you get near to the point "C" on the plan. They are probably not laid down so far from the line run by the committee on the plan as they ought to be, except at the point marked "D," where the location is exact.

The lands around the upper lakes and on the easterly line of the state to the corner, and on the line on

the highlands as run by the committee in 1789, are of very little value. The lands adjoining Lake Connecticut, and between said lake and the mouth of Indian Stream, and around Back lake, are a considerable portion of them good lands for cultivation, and settlements are interspersed in various directions.

The lands on the easterly side of Indian Stream, for some distance from its mouth nearly to its source, are various in quality, but a considerable portion of good land, and there are some extensive intervales on said stream.

The lands between Indian and Hall Streams are more uniformly of the first rate quality of upland than any I have seen in the same quantity together anywhere in this county, and I believe there is no town in this part of the country where the upland is so uniformly good for cultivation.

EPH. H. MAHURIN.

October 24th, 1836.

Coös, ss. October 25th, 1836. Personally appearing Ephraim H. Mahurin, and made solemn oath that the foregoing deposition, by him subscribed, is true.

Before me, IRA YOUNG, *Justice of the Peace.*

Deposition of Ira Young

I, Ira Young of Colebrook in the county of Coös and state of New Hampshire, do depose and say that in August, 1836, at the request of Gen. Joseph Low and Col. John P. Hale, I accompanied Ephraim H. Mahurin, Esquire, who had been employed by them as surveyor, to ascertain the northeast and north boundaries of the state of New Hampshire, and also to find the line, if any, run by a committee appointed by the legislature of said state in 1789, composed of J. Cram, Jere-

miah Eames, Col. Hoit, and others. We repaired to Indian Stream Territory, and after having explored the lake above Lake Connecticut, or Second lake, so called, we went east to the line between the states of Maine and New Hampshire, and followed that until we came to the birch tree which was marked by said committee as the northeast corner of the state of New Hampshire, and found upon that tree ancient marks similar to those described to have been put there by said committee, some of which were "1789" "J. E." "M54"; that said tree stands some distance from the top of the range of highlands, upon which it is situated. James M. Hilliard and myself went to the top of the height to see if the waters running into the St. Lawrence, Canada, run in the valley between that height and the height next beyond northerly; that we ascertained from that examination, and from other information, that the stream in said valley, which there tended easterly, was a branch of the Magalloway, which empties into the Androscoggin river; that we returned to said birch tree, and from thence we followed and measured the line made and spotted by said committee, I carrying one end of the chain, six miles; that said line was on the highlands south of said Magalloway branch, and found the courses and distances indicated by said committee in 1789 to be correct. We thought it unimportant to measure any further. We chained no farther, but followed said line, which was very distinct in most places, although made so many years since. Said line led us within five or six rods of a circular pond from which the waters run through the Second lake into Lake Connecticut, and thus into Connecticut river. Said pond is about one mile in circumference, and is sometimes called the Third lake, and is surrounded by quite high lands. Said Hilliard and myself went northerly from

said pond to the top of the heights. We judged it from six to eight miles from that height to the next height northerly, and we were satisfied from our examination that the branch of the Magalloway before spoken of as running in the valley north of said birch tree continued on in the valley north of said pond, running from the west, tending eastwardly. From the said pond to said first heights is perhaps one hundred rods, perhaps one mile. From thence said Hilliard and myself went westerly, and in the course of from one to four miles we crossed three or four branches of said Magalloway, small streams running northerly into said valley northerly of said pond. In that course we came upon a very large and extensive piece of flat land, out of which some of the branches of Magalloway flowed, and also a branch of the Indian Stream, all running northerly. Said branch of Indian Stream and our branch of Magalloway were near together. We went north of all the waters that flowed into said pond, but came to the conclusion, from what we could see, that some waters running into said pond took their rise in the south part of said flat land, and also that some of the Magalloway waters rose south of the waters running into said pond. We found the rest of our party, who had followed said committee's line some four or five miles westerly of said pond, from whence we took a due west course until we struck Indian Stream, where it was something of a mill stream, some one and a half to two rods wide, and spotted our line west to that place, and from thence we returned home.

The distance from the height on which said birch tree stands, before mentioned, as designated by said committee in 1789 as the northeast corner of the state, to the next height north is, as near as I could calculate without measuring, from six to eight

miles. The heights last mentioned tend easterly and westerly.

IRA YOUNG.

Coös, ss. October 22, 1836. Personally appearing Ira Young and made solemn oath that the foregoing deposition, by him subscribed, is true.

Before EPH. H. MAHURIN, *Justice of the Peace.*

Deposition of James M. Hilliard

I, James M. Hilliard of Colebrook in the county of Coös and state of New Hamsphire, of lawful age, depose and say that in August, 1836, I was employed by Gen. Joseph Low to accompany Ephraim H. Mahurin, who was employed by him as surveyor, as a guide, &c., to ascertain the east and northern boundary of the state of New Hampshire. That we went to the line between the states of Maine and N. Hampshire, followed that until we arrived at the birch tree which was marked as and for the northeast corner of the state by a state committee in 1789. That I examined for the purpose of ascertaining what waters run in the valley northerly of said birch tree, and from that examination, and from my former acquaintance of the waters of Magalloway river south of that spot, I have no doubt that the waters running in that valley are the Magalloway waters, which river Magalloway empties into the Androscoggin river. That the distance from said birch tree to the next heights north is, as near as I can calculate it without measuring, between 7 and 8 miles. And I have no doubt that height divides the waters which run into Androscoggin and into the St. Lawrence rivers.

That we followed the river as established by said committee in 1789, commencing at said birch tree, runing southerly and westerly about seven miles to the pond or Third lake, which is above and connected with

Lake Connecticut. That I made a farther examination north of the heights which are near said pond, to ascertain what waters run in the valley north and west of the waters running into said pond. That I ascertained to my satisfaction from examination and otherwise, that the waters running north and west over the heights north of said pond were the Magalloway waters, which, running northerly and westerly, are a continuation of the waters spoken of as running north of said birch tree. And I have no doubt that the waters north of said pond are the Magalloway waters.

From the best calculation I could make without actual admeasurement, that from said pond to the heights north dividing the waters of the Magalloway and the St. Francis, which empties into the St. Lawrence, the distance is seven or eight miles, and that those heights tend easterly and westerly.

That the branches of the Magalloway which run about one hundred rods north from said pond, or some of them, have their rise about four or five miles west of the small streams which run into said pond, and that one branch of said Magalloway and one branch of Indian Stream have their rise near together.

That we run due west from near said pond, and as far north as the head waters of the small streams which run into said pond, about 6 miles, and struck Indian Stream, which stream at that place was sufficiently large to carry a mill, about one and a half or two rods wide. I left said stream on my return home. I have been on hunting excursions heretofore up said Magalloway waters within a short distance of the northeast corner of the state before mentioned, and know from having descended it that it was the Magalloway water.

JAMES M. HILLIARD.

Coös, ss. October 1, 1836. Sworn to before me,
IRA YOUNG, *Justice of the Peace.*

Deposition of John Hughes

I, John Hughes of Canaan in the county of Essex and state of Vermont, depose and say that some time in the year A. D. 1820 or 1821 I was employed by Dr. Turk and a Mr. Carlisle, British surveyors, to go with them and survey the Connecticut river from the forty-fifth degree of north latitude to its source. Accordingly we commenced at Col. Jeremiah Eames's in Stewartstown, and surveyed up the Connecticut river on its east side till it is intersected by Hall's Stream, when we crossed over to the other side and ran up to the first lake, which is called Lake Connecticut, which lake we surveyed, and surveyed the river from said lake up to the middle, or Second lake, which we also surveyed, and surveyed the stream which appeared to be the largest, and which led from the third pond, situated about 5 or 6 miles above the second pond, and about one mile long and about one half or three quarters of a mile wide. There were two streams running into this pond, both of which we measured, one was less, and the other more, than a half mile long.

When we arrived at the source of the largest brook which ran into the pond, and could find no running water any further up, Mr. Carlisle remarked that Judge Chipman had told them to run up to the last drop of running water in the main branch of Connecticut river, and that, having done that, we might put up our chains, as there was no further use for them, which we accordingly did.

After we had surveyed to the source of these waters, as I have stated, we returned to the camp, which was at the last named little pond at the head of Connecticut river, as now called, and one Brockway, who accompanied us, told the British surveyors that the St. Francis waters were just over the hill upon the side of which we

had surveyed. I then asked said Brockway how long he had been in this country, and he replied eighteen months. I made answer that I had hunted over that very country for more than twenty years, and that I knew the St. Francis waters were not to be found within eight miles. We then returned to the source of the stream which we had surveyed, and there the surveyors made marks upon the trees, and set their compass and indicated a due west, upon which we went without measuring the distance, till we intersected the middle branch of Indian Stream, at a place large enough for a small mill-stream, so large that we were under the necessity of cutting a tree to make a bridge to pass over the same. When we intersected this stream Dr. Turk and Mr. Carlisle went away some rods distance out of hearing, but not out of sight, and tarried some time, when they returned and told me to pilot them the best and nearest way to Col. Eames's, which we accordingly did. This was all I had to do with surveying about the line between the United States and Canada. On this expedition we were accompanied by no American commissioner or surveyor, nor indeed by any American, except myself and a few others who were hired by them as assistants.

I was seventy years old last May.

JOHN HUGHES.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 4, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Rufus Brockway

I, Rufus Brockway of Indian Stream Settlement in the county of Coös and state of New Hampshire, depose and say that about the year 1820 I was employed by

Mr. Carlisle and Dr. Turk, British surveyors, to go with them and survey Connecticut river above the forty-fifth degree of north latitude.

We accordingly commenced our survey on the west side of Connecticut river at the 45th degree of north latitude, and run up the Connecticut river to Lake Connecticut; we then surveyed said lake, then proceeded to measure, up stream, the main branch which ran into said lake, about four miles to a second lake or pond, which we also surveyed. There were three streams which ran into this second lake or pond, and we selected the westerly one, judging that to be the largest, and surveyed that up about seven miles to a third lake or pond, being about one mile long and a half mile wide, according to my judgment. This last or third pond we also surveyed, and surveyed the largest stream which ran into this third pond about the distance of one mile, when we came to the high land.

After we had come to the source of the last stream which we surveyed, we ascended the height of the high land there, and Mr. Carlisle set his compass and found the due west course, upon which course we then continued our survey, and ran till we struck a small stream which proved to be Indian Stream; we ran across that stream, and continued our course till we intersected another stream large enough for a mill stream, which we found was Hall's Stream. When we came, as above stated, to Hall's Stream, Dr. Turk remarked that it was of no use to proceed any farther, as there could be no doubt that this stream was the one which extended farthest to the northwest, and we had better return immediately to the 45th degree of north latitude, and he directed the guide to proceed to the nearest inhabitant, which he did, and we all went to the house of one Joseph Weston, in the township of Hereford, in the

province of Lower Canada, where we tarried all night, and the following day returned to the house of Col. Eames, near the Connecticut river, about one mile south of the 45th degree of north latitude, where Dr. Turk settled with the men who accompanied him on the expedition.

In May, 1821, I received a letter from Dr. Turk informing me that he wished me to accompany him on another surveying expedition. I immediately went to Col. Eames's, as requested in the letter, and there met Dr. Turk, who told me he wanted me to go with him and survey Leach's Stream, and see if that did not extend farther to the northwest than did Hall's Stream. Accordingly we went and commenced surveying Leach's Stream, and continued it till we came to its source. We then took a due east course and proceeded till we intersected Hall's Stream a little above where we intersected on the former route, when we were surveying westerly. We still found that, at the place where we now intersected it, it was quite a large stream, large enough for a mill stream. Dr. Turk again remarked that Hall's Stream was the one which extended farthest to the northwest, and that it was of no use to proceed any farther, and directed the guide to lead them to Col. Eames's, where he again settled with the men who accompanied him.

On the following morning Dr. Turk remarked to me that when we first surveyed Connecticut river we had no means of ascertaining that the stream running into the Second lake or pond, which we took for the largest, was actually so, as we did not survey but one of them, and he wanted to go and survey another of them, and see if we could, from the source of that, run a due west course north of Hall's Stream. Accordingly we went to the Second lake or pond, mentioned in our first sur-

veying expedition, and commenced surveying the easterly stream, which emptied itself into the Second lake or pond aforesaid, and surveyed it to its source. We then took a due west course, and ran on it till we again intersected Hall's Stream, not far from the places where we had formerly intersected it on our two former expeditions. Dr. Turk again remarked, as he had twice before, that it was of no use for him to proceed any farther, for Hall's Stream was the one which came the farthest from the northwest, and must ultimately be the prevailing stream, and we then returned to Col. Eames's, and Dr. Turk settled with me.

RUFUS BROCKWAY.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 3, 1836.

Then Rufus Brockway, above named, personally appeared and made oath that the above deposition, by him signed, is true. Before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Luther Fuller

I, Luther Fuller of Colebrook in the county of Coös and state of New Hampshire, depose and say that in the year 1785 I hunted on Indian Stream Territory for Maj. Whitcomb, and afterwards in 1789 I went with the N. H. committee for locating the lands belonging to the state in the north and east part of said state. That ever since 1785 I have been acquainted with said territory, having resided most of that time in this section of the state. I have always understood the same to belong to the state of New Hampshire, and always supposed the line as run in 1789 as fixing, locating, and establishing that territory as within the state, and never heard it questioned until within a year or two,

and I never knew of any claim made during that time by the British or Canadian government, until within a year or two, of that territory.

That about thirty years since, Levi Willard, a sheriff of Coös county, attached and drove away a number of oxen and cows and young cattle from said territory belonging to a person of the name of Smart, who resided at said Indian Stream, and I have heard of services having been made in said territory ever since by sheriffs, or their deputies, of Coös county. From my knowledge of Hall's Stream, Indian Stream, and the streams running into the ponds and lakes connected with Lake Connecticut, having been on these streams in 1789 with the committee, and having hunted there before, I have no doubt that Hall's Stream runs farthest northwest of either of said streams.

LUTHER FULLER.

Coös, ss. August 9, 1836. Personally appearing Luther Fuller, and made solemn oath that the above deposition, by him subscribed, is true. Before me,

IRA YOUNG, *Justice of the Peace.*

Deposition of Luther Fuller

I, Luther Fuller of Colebrook in the county of Coös, do depose and say that in the year 1789 I was employed by Jeremiah Eames, a Mr. Cram, and a Mr. Hoit, who had been appointed commissioners by the state of New Hampshire to ascertain, run out, and mark the northwestern and northern bounds of New Hampshire. I accompanied them on this expedition. In the month of March we ascended Hall's Stream about fifteen or seventeen miles from its mouth, and there we erected a monument.

When we had arrived at this point, supposing that we

had got above the other head waters of the Connecticut, we left Hall's Stream, and took an east or northeast course till we reached the highlands that divide the waters that run into St. Francis river from those that run into the Connecticut. I think that we went about fifteen miles from Hall's Stream east or northeast on to the highlands, and here we erected a monument, and then returned.

In the fall of the same year we went to Fryeburg, now in the state of Maine, and run north on the line between then Massachusetts, now Maine, and New Hampshire, till we again came to the highlands that divide the waters of the St. Francis from those of Connecticut river in this state. Here we fell and girdled trees, and erected a monument for the northeast corner of New Hampshire. Thence we run west, following the highlands, till we came to the monument we erected on the said highlands in March before, when we went up Hall's Stream.

Messrs. Eames, Cram, and Hoit are all dead, and I believe all the company except Theophilus Cutler and David Smith, who live somewhere in Vermont, and myself.

Several years since, the state of New Hampshire commenced prosecutions against one Ebenezer Fletcher and some others for intruding upon lands in Indian Stream Territory. Col. Eames was witness on the trials, and I heard his testimony, and he swore to the facts above stated. I was also a witness, and swore to the same. I further say that, in following the highlands from the northeast monument we erected, west, we pass above all the head waters of the Connecticut, or the streams emptying into the Connecticut, till we come to Hall's Stream. I well recollect we passed above all the waters of Indian Stream, which was then considered the

main branch of Connecticut river, though there was but little difference in the size of the three branches.

LUTHER FULLER.

STATE OF NEW HAMPSHIRE, COÖS, SS. August 3, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Jesse Carr

I, Jesse Carr of Colebrook in the county of Coös and state of New Hampshire, depose and say that as early as the year 1808 I have known Levi Willard, at that time sheriff of this county, frequently to go to Indian Stream Territory for the purpose (as he said) of serving judicial process on some of the inhabitants there, and on one occasion I knew said Willard to go with a writ or process, as he then told me, against one Nathaniel Wales of said Indian Stream, and I saw him return with said Wales in his custody. I further depose and say that I have for about thirty years been well acquainted with Indian Stream Territory, and I never knew or heard of any other authority claiming to have any jurisdiction over said territory except the state of New Hampshire, till within about one year, in which time I have heard that one Alexander Rea has been there asserting the claim of Lower Canada.

I further depose and say that in the year 1821 I was with Dr. Turk and Mr. Carlisle, British surveyors, to survey the line between this state and Lower Canada, and that Dr. Turk then remarked that Indian Stream would be the one ultimately fixed upon as the boundary line, because that was the one most northwesterly, and the one first intersected by the highlands, running the course indicated by the treaty.

I further depose and say that I am well acquainted

with the general reputation of Alexander Rea of Hereford, and it is bad. One reason why I remember accurately the time when said Willard went into said territory for the purpose of serving process on inhabitants of Indian Stream as aforesaid is that immediately previous to that I had been specially deputed by said Willard to serve a warrant on an inhabitant of said territory, and went there for that purpose, but, not finding him, returned, having made no service. I was appointed a deputy sheriff of this county about the year 1809, and continued in said office over seven years.

JESSE CARR.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 18, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Ebenezer Fletcher

I, Ebenezer Fletcher of Indian Stream in the county of Coös and state of New Hampshire, depose and say that I have resided where I now do for the last twenty-four years, and I never knew or heard of any other power or authority than the state of New Hampshire exercising or claiming to exercise any jurisdiction over this territory till, some time in the year 1835, I understood one Alexander Rea had been into the settlement claiming that the territory belonged to Canada. I have frequently known the sheriffs from New Hampshire come here to serve legal process, but I never knew any officer from Canada come here, or attempt to come here, with any such purpose. The inhabitants of this settlement have generally, till within about fourteen months, claimed to constitute a settlement subject to the general jurisdiction of the United States, but not within the limits of any particular state, but I never

knew or heard of any of the inhabitants claiming to belong to Canada till the time I have before mentioned, viz., some time in 1835. I do not know where the line run by the committee of the N. H. legislature in the year 1789 is, but I have been told by Thomas Eames, who has been dead about five years, that he "was the surveyor who went with said committee, and that the line which said committee established followed the highlands on a westerly course till it met the head waters of Hall's Stream," and the limits of this state have always been reputed and considered as extending thus far.

EBEN'R FLETCHER.

STATE OF NEW HAMPSHIRE, COÖS, SS. August 11, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Gideon Tirrell

I, Gideon Tirrell of Clarksville in the county of Coös and state of New Hampshire, depose and say that since the 7th day of March, A. D. 1825, I have been a justice of the peace for said county of Coös. I have for twenty-two years resided where I now do, within four miles and a half of Indian Stream, and during all this time I have never known or heard of any other government than the state of New Hampshire exercising or claiming to exercise any jurisdiction in any way or manner over said territory, till, sometime in the month of June, A. D. 1835, I understood one Alexander Rea had claimed the territory as belonging to the province of Lower Canada, and on that ground had sent a warrant there against Luther Parker, one of the inhabitants, by which he was seized and carried out of the state. I have married a number of couples

from said Indian Stream, and I never knew or heard of any of the inhabitants going to Canada to be married, or having a clergyman or magistrate to marry them there from Canada. I have known the inhabitants of Indian Stream as long since as nine or ten years to obtain the bounty paid by this state for the destruction of wolves, whenever they destroyed any.

Sometime in October last Clark J. Haynes come to my house and informed me that a mob from Canada had been over and taken Richard I. Blanchard, and were carrying him to Canada. This report excited very general indignation in this neighborhood, and there was a general turn-out for his rescue, myself among the number, but when I arrived at the store of Parmelee & Joy in Canaan, Vermont, I found that said Blanchard had already been rescued, and he was then there at said store.

After we had been some time at said store an advertisement was exhibited offering a reward of five dollars for the apprehension of one John H. Tyler, who had previously been arrested by one William M. Smith, a deputy sheriff of this county, and rescued from him by a mob at Indian Stream. A party accordingly started after said Tyler, but I did not hear the name of Alexander Rea, or of any other individual, mentioned as an object of pursuit, except said John H. Tyler.

When this party returned they brought back said Alexander Rea with them. I did not go into Canada that day for any purpose.

GIDEON TIRRELL.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 9, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of David Kent

I, David Kent of Stewartstown in the county of Coös and state of New Hampshire, depose and say that I am a regularly ordained elder of the Freewill Baptist church, and as such duly qualified, by the regulations of said church and the laws of the state of New Hampshire, to solemnize marriages. I am now in the sixty-fifth year of my age, and have resided more than eighteen years in this town, and have been all the time well acquainted with Indian Stream and its inhabitants, and I never knew or heard of any other government except the state of New Hampshire exercising or claiming to exercise any jurisdiction over said territory, till about the time that one Alexander Rea was said to have been claiming the territory as belonging to Canada, not far from two years since. During all this time the inhabitants of said Indian Stream Territory have been in the habit of coming into this county for the purpose of being joined in marriage, and never, so far as I have learned, have they gone to Canada to be married, nor has any marriage ever been solemnized there among them by any one deriving authority from the church or civil authority of Canada. I have married as many as five couples from said Indian Stream Territory, and about four years since I joined in marriage at said Indian Stream, on the Sabbath Day, Samuel Drown to Deborah Hyland. This was in presence of most of the inhabitants of said Indian Stream Territory, when they were assembled for religious worship, and I heard no objection made or suggested by any one on account of my want of authority, it being derived from New Hampshire.

DAVID KENT.

STATE OF NEW HAMPSHIRE, Coös, ss. August 5, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Samuel Danforth

I, Samuel Danforth of Indian Stream in the county of Coös and state of New Hampshire, depose and say that I am fifty-two years of age, and for the last sixteen years have resided at Indian Stream, and during all that time I never knew any other government than the state of New Hampshire exercise or claim to exercise any jurisdiction over said territory in any way or manner, either by sending judicial process there to be served, or in any other way, till one Alexander Rea came in there, claiming the territory as belonging to Canada, about the middle of June, A. D. 1835. While I have lived there, the inhabitants, when they killed a wolf, or any other creature for whom a bounty is offered by the laws of New Hampshire, have uniformly gone into New Hampshire for said bounty, and have uniformly received it.

About a year since, as near as I can recollect, said Alexander Rea addressed the inhabitants of said Indian Stream at a meeting holden at the school house, and, as I am partially deaf, I did not hear all he said, but remember distinctly that one object of Rea was to have some individuals recommended by the inhabitants for the appointment of justices of the peace.

SAMUEL DANFORTH.

STATE OF NEW HAMPSHIRE, Coös, ss. August 9, 1836.

Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of John Harriman

I, John Harriman of Stewartstown in the county of Coös and state of New Hampshire, depose and say that I now live, and for the last sixteen years have

resided in said Stewartstown, within about four miles of Indian Stream Settlement, except about five or six years of the time, which I have resided in Clarksville, a town yet nearer to said Indian Stream Settlement. During said sixteen years I have been well acquainted with the inhabitants of said Indian Stream Territory, and for the greater part of the time resorted there altogether for the purposes of procuring my lumber sawed at the sawmill, and my grain ground at the gristmill, and occasionally for other purposes. During the whole of said period I never knew of the authority of the province of Lower Canada, or of any authority except the state of New Hampshire exercising or attempting to exercise any jurisdiction there, until sometime in the year 1835. I then heard, for the first time, that some individuals began to talk about the territory belonging to the province of Lower Canada. In the course of that year, in the month of September (I think), I understood, casually, that there was to be a meeting in the territory for the purpose of nominating individuals to be recommended to the British authority for the appointment of magistrates. This meeting was to be holden on the Sabbath, and, as I learned, there was an adjourned meeting from one holden the day previous. I went to attend said meeting from motives of curiosity solely, and when I arrived there I found that the principal man of said meeting was one Alexander Rea of the town of Hereford in the province of Lower Canada. All the principal measures adopted or advocated were brought forward by this individual. I well remember that said Rea at said meeting frequently assured the individuals there assembled in said meeting that they should be protected by the government of Lower Canada against the encroachments of New Hampshire, and he recommended to them to raise a

committee to report to the government of Lower Canada all the encroachments of New Hampshire as fast as they should occur, which was accordingly done. I further depose and say that during said time I have known the inhabitants of said Indian Stream Territory frequently to resort to Stewartstown aforesaid for the purpose of being joined in marriage, but I have never known or heard of said inhabitants, any or either of them, going to Canada, or any other place except New Hampshire, for the purpose of being married. I further depose and say that I do not know where the line established by the committee of the N. H. legislature in the year 1789 or 1790 is, except by general reputation, which always has been that the line extended along the highlands dividing the waters of the Atlantic from the St. Lawrence, till the intersection of said highlands with the head of Hall's Stream, and the jurisdiction of New Hampshire has been considered and reputed as extending thus far.

I am acquainted with the general reputation of said Alexander Rea, and have no hesitation in saying it is not good.

JOHN HARRIMAN.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 8, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

I further depose and say that in April, 1836, I saw and had a conversation with one Flanders, the son of Zebulon Flanders of Hereford, Lower Canada. He is a young man of about eighteen or twenty years of age, and appeared to be a fair, candid young man. He said he was at Alexander Rea's house the day in October last that Richard I. Blanchard was rescued by a party from New Hampshire, standing near Rea's house before

said Rea was taken and carried to Canaan, and when he came out of his house with Zaccheus Clough and Barnard Young, said Rea had received information that two men had come over the line from the United States, and were not far from Rea's house, as said Flanders informed me he understood. Rea said to Young and Clough "When I tell you hitch upon them," meaning one Miles Hurlburt and E. C. Aldrich, who were then below said Rea's house. Rea passed hastily along, as said Flanders represented, that Rea advanced upon Hurlburt and Aldrich, and they retreated several rods, the said Flanders being in sight of them at that time.

When said Rea was at Parmelee & Joy's, at Canaan, I heard a conversation between Alexander Rea and the said E. C. Aldrich. Said Aldrich said to Rea, "Don't you take my horse again by the bridle when I am in the highway peaceably." Rea answered that he had a right, as it was a riot. Aldrich said he thought not, as it took more than two by the laws to constitute a riot. Rea replied, it was approaching a riot, or something to that effect, which was all I heard upon the subject.

JOHN HARRIMAN.

STATE OF NEW HAMPSHIRE, COÖS, SS. August 8, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Nathaniel Perkins

I, Nathaniel Perkins of Indian Stream in the county of Coös and state of New Hampshire, depose and say that I have lived where I now do twenty-two years, and during all the time I never knew or heard of any other authority or government exercising or claiming to exercise any jurisdiction here except the state of New

Hampshire, till, sometime in the year 1835, one Alexander Rea sent into the settlement, claiming that the territory belonged to Canada. Sometime the last of September or first of October last past said Alexander Rea sent a letter to Jeremiah Tabor and several other inhabitants of Indian Stream, which letter was shown to me, although it was not directed to me, requesting them to notify the inhabitants that he should meet them at a schoolhouse in the settlement on the then following Saturday at 4 o'clock P. M., and also on the Sabbath following at another schoolhouse in the settlement at one o'clock P. M., if it was thought best, and that he would meet them and lay before them more communications from his government. I state the contents of this letter from recollection, not having it in my possession. The meetings were notified and holden accordingly, and said Rea attended and read some communications which he said were from Lord Gosford, the Governor of Lower Canada, through his private secretary, to Mr. Moore, the representative of St. Francis, stating, among other things, that the territory was considered by the government of Lower Canada belonging to them as much as any part of the district of St. Francis, and the inhabitants would be protected by said government against the encroachments of New Hampshire or any other government. He then suggested the propriety of the whole inhabitants, or a committee to be raised for that purpose, signing a paper thanking Lord Gosford for the notice he had taken of them, and requesting further assistance; he also proposed that a committee be raised to report to the government of Canada any encroachments which might be made upon them by the state of New Hampshire. He then made remarks to the meeting of a similar character, assuring the inhabitants of the pro-

tection of the government of Canada. He also proposed that a committee be appointed to nominate suitable individuals to be recommended for the appointment of justices of the peace, which was done accordingly.

After this meeting was over I had a conversation with said Rea upon the subject, and warned him against the course he was taking, begged him to desist, for he would only make difficulty, told him the measure the legislature of this state had taken to assert and maintain jurisdiction over the territory, to which he replied that the state of New Hampshire would not be so foolish as to interfere again after *what he had done.*

I have no hesitation in giving it as my opinion that all the difficulties which have taken place in this neighborhood for the last two years have arisen from the meddling and interfering officiousness of said Alexander Rea.

NATH'L PERKINS.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 10, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Horace Loomis

I, Horace Loomis of Colebrook in the county of Coös and state of New Hampshire, depose and say that in the year of our Lord 1825 I was appointed a deputy of the sheriff of said county of Coös, and that year or the one ensuing I had a writ put into my hands against Clark J. Haynes, and about the same time two or three writs against Rufus Brockway, and also one writ against John McConnell, all residents in Indian Stream Territory, and also divers writs against several others resident in said territory. All of which precepts I served,

some by attaching property, and some by arresting the body of the defendant, and at no time, nor on any occasion, did I hear any objection made to the service of any or either of said processes by any one, on occasion of any real or pretended claim of the government of Lower Canada, or any British authority, to have any jurisdiction over said territory. And I further depose and say that I continued to act as deputy sheriff for said county until May, 1834, and during the whole time of my so being deputy sheriff, as aforesaid, I occasionally, from time to time, served process in said territory or settlement as they were put into my hands, and I never heard, during the whole of said period, any claim of the British authorities to have control or jurisdiction over said territory or settlement. I further depose and say that sometime in the year 1826 or 1827 I had a writ against said Brockway, and made a prisoner of him, but he was rescued from me by some of the inhabitants of the settlement. I returned the writ to court, with a return thereon stating the facts precisely as they took place. Execution thereupon issued, was put into my hands for service, and I collected a sufficient force in the county, went into the territory, and made service of the same by arresting said Brockway, and bringing him away and committing him to jail in Lancaster in this county. I further depose and say that I have on other occasions made service of executions on the inhabitants of said territory by attaching and selling personal property.

HORACE LOOMIS.

STATE OF NEW HAMPSHIRE, COÖS, ss. October 7th, 1836.

Then the said Horace Loomis personally appeared and made oath that the above deposition, by him subscribed, is true. Before me,

IRA YOUNG, *Justice of the Peace.*

Deposition of Francis Willson

I, Francis Willson of Guildhall in the county of Essex and state of Vermont, depose and say that in the year 1821 I was appointed a deputy of the sheriff of the county of Coös, in the state of New Hampshire, which office I continued to hold about seven years. I resided at Colebrook, in said county of Coös, for nearly three years immediately following my said appointment, and during said time I served various processes on inhabitants of Indian Stream Territory. And during said time I never heard of any claim to jurisdiction over said territory or its inhabitants by any other power than the state of New Hampshire. Many of the inhabitants of said territory were reputed and considered to be a lawless set, opposed to the enforcement of any law, and the place at that time, from its remote situation, was supposed to be a place of resort for those who found it inconvenient to reside in that part of the country where debts could be collected by legal process, and the criminal law duly enforced.

Francis Willson.

State of New Hampshire, Coös, ss. August 6, 1836.
Sworn to before me,

John P. Hale, *Justice of the Peace.*

Deposition of Hezekiah Parsons

I, Hezekiah Parsons of Colebrook in the county of Coös and state of New Hampshire, one of the justices of the peace of said county, and late member of the New Hampshire legislature, do depose and say that I have resided in this town about forty-five years, and am well acquainted with the Indian Stream Territory. In the year 1817 or 1818 I was deputy sheriff in said

county, and had precepts against persons residing in said territory, and I went there for the purpose of serving the same by attachment of property, but could not find such as I was directed to take. The territory was then, and had been deemed by most people as belonging to New Hampshire. I recollect that in 1807 I was a member of the N. H. legislature, and there was then a petition before said legislature praying the state to relinquish their claim to said territory, which was refused. Since the time I have referred to, in 1817 or 1818, I have often heard of precepts being served in the Indian Stream Territory, issued by the authorities in New Hampshire, and served by their officers.

Some time about the year 1820 I was employed by the Attorney-General of the state to ascertain the lines and bounds of certain settlers on the territory, for the purposes of judicial process. In attending to this duty I was aided and assisted by the inhabitants of the territory. I recollect that the names of Mr. Highland and Mr. Fletcher were two of the persons against whom process was instituted, who resided between the Indian Stream and what is now called Connecticut river.

HEZEKIAH PARSONS.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 2, 1836.

Then Hezekiah Parsons personally appeared and made oath that the above deposition, by him signed, is true. Before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Ira Young

I, Ira Young of Colebrook in the county of Coös and state of New Hampshire, attorney and counsellor at law, depose and say that in the year 1819 I opened

an office at Colebrook, remained until 1820 or 1821, when I removed to Bath, and in 1825 or 1826 returned again to Colebrook, where I have resided ever since. That occasionally, ever since 1819, I have made writs and other processes against persons residing at Indian Stream, which have been served there by deputy sheriffs of Coös county, some of which have been settled, and upon some I have obtained judgments in our courts. That from 1819, until within one or two years, I never heard that the Canadian or British government ever laid any claim to jurisdiction over said territory, or that any of the residents at Indian Stream claimed to be within their jurisdiction. The majority of the population there, during the most of that time, was composed of individuals who had gone there to avoid debts, or, being pressed for the payment of them, claiming at Indian Stream sometimes to be within the state of Vermont, sometimes in the state of Maine, sometimes without any state, and to be in a territory belonging to the United States, and solely under the jurisdiction of the United States, and sometimes to be independent, as not being within the territory of the United States, or of the province or provinces of the British government. In October, 1831, proceedings were instituted, in which I was counsel, under our statute "to provide for the maintenance of bastard children," in the name of one Melissa Thurston of said Indian Stream, against Moody Haynes of said Indian Stream, in which the said Melissa charged the said Moody Haynes of being the father of the child of which she was then pregnant, and that it was begotten in April, 1831, at said Indian Stream. The said Haynes was arrested and bound over to appear at the court of common pleas, Coös county, September term, 1832, at which term Haynes appeared and pleaded to the

jurisdiction of said court, because the cause of complaint accrued to the said Melissa "at Indian Stream, and on the west side of Connecticut river in the territory of Indian Stream," without the jurisdiction of the court, &c. The complainant replied that the cause of complaint accrued within the county of Coös, within the jurisdiction of the court, &c. The prosecution was pending until the old court of common pleas was abolished, and the present court established, and the jurisdiction of the present court of common pleas sustained by the concurrence, as I understood, of the judges of the superior court, and before the term for which the prosecution stood for trial the same was settled by the parties and dismissed. The plea to the jurisdiction was overruled on the ground that, years before, the question had been settled in the superior court sustaining the jurisdiction.

IRA YOUNG.

STATE OF NEW HAMPSHIRE, Coös, ss. August 6, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of William M. Smith

I, William M. Smith of Stewartstown in the county of Coös and state of New Hampshire, depose and say that on the 26th day of June, A. D. 1834, I was duly appointed a deputy sheriff of said county by John H. White, Esq., sheriff of said county; that about the last of September or the first October, A. D. 1835, a writ in favor of William Buckminster of Danville, Vt., against John H. Tyler of Indian Stream in said county of Coös, was delivered to me. I accordingly went to the residence of said Tyler for the purpose of making service of said writ, having previously procured Richard I. Blan-

chard and John Milton Harvey to go with me, both because I did not know said Tyler when I saw him, and also because I had heard that there had been some difficulties at the place, and some of the inhabitants had threatened resistance to any officer who should attempt to serve process there. I went to said Tyler's dwelling house first, and not finding him at home I proceeded farther to a farm where said Tyler was at work, and arrested him by virtue of said writ, having previously requested him to show me property, which he declined doing. As I was proceeding with said Tyler in my custody, we were met by Emor Applebee and two of his sons, Alanson Cummings, and a man by the name of Tyler, whose Christian name I do not know, Jonathan C. L. Knights, and two more whose names I do not know, all stopped by the side of the road where I must necessarily pass with Tyler. At the request of Tyler, my prisoner, I also stopped where these men were, and I was very soon told I must go no further with said Tyler, and after being told by all or most of the party that Tyler should be carried no farther by me, and that they would protect him from me even at the cost of their lives, I was, upon attempting to take said Tyler along with me, forcibly prevented by said Emor Applebee, who interposed himself between me and my prisoner, aided and countenanced as aforesaid by the company with him as aforesaid, and thereupon I left them, and made a return of said writ to the court when and where the same was returnable, with a return of my doings on the same, stating the facts precisely as they occurred. Immediately after said Tyler was rescued from me in the manner above related, I informed John H. White, Esq., sheriff of said county, of all the facts, and, by his advice, I offered a reward of five dollars for the apprehension of said Tyler, and delivery to me

or to the Lancaster jail, by an advertisement. Not long after this I heard that said Blanchard had been taken from his home by some people from Canada, and that they were then carrying him to Canada. This report was generally spread through the neighborhood, and produced great excitement and indignation, and a pretty general turn-out of the citizens for his rescue. I, among the number, turned out, and so far as I could learn or understand the feeling of those who came out, there was a settled and inflexible determination to rescue said Blanchard at even the extremest hazard. When I arrived at the store of Parmelee & Joy in Canaan, Vermont, not being armed, myself, I gave up my horse to an individual who was armed, who proceeded immediately towards Canada in the direction that those who had Blanchard in custody must necessarily pass. In about an hour after I had thus given up my horse, the party returned with said Blanchard. Some one then remarked to me that said John H. Tyler was with the party who had said Blanchard in custody, and that if I had been with them I might have retaken him. Some one then asked me for an advertisement of said Tyler, but I had none with me, but had one written immediately, which they took, and a party then started from the store of Parmelee & Joy for Canada, for the purpose of retaking said Tyler as they stated. I did not hear Alexander Rea's name mentioned in connection with this party going to Canada until after they returned with him in their custody, said Tyler being the sole object of pursuit. The individual to whom I gave the advertisement was Capt. James Mooney.

Wm. M. Smith.

State of New Hampshire, Coös, ss. August 3, 1836.
Sworn to before me,

John P. Hale, *Justice of the Peace.*

Deposition of Milton Harvey

I, Milton Harvey of Colebrook in the county of Coös and state of New Hampshire, depose and say that in April, 1833, I was appointed by John H. White, Esq., a deputy sheriff for the county of Coös. That in 1834 I served a warrant in Indian Stream Territory on a person residing there, by the name of Burrill, for an offence alleged to have been committed there, brought him to Colebrook for examination. No resistance was made. I went there in 1835 to serve several writs on inhabitants of said territory. It was in February or March of that year. Resistance was then made to my serving writs by attaching property. The persons against whom I had process, and others accompanying them, claimed to be independent, to be an independent government not belonging to the governments of Great Britain or the United States, independent of either until the line was settled. I was in company with William M. Smith when he arrested John H. Tyler, and when said Tyler was rescued from his custody by a number of the inhabitants of Indian Stream Territory, they then claiming to belong, and that Indian Stream Territory belonged to the province of Lower Canada. I have no recollection of ever having heard, before that, that said inhabitants claimed to belong to the province of Lower Canada, or that the Canadian people or government claimed any jurisdiction over said territory and inhabitants. In October last, when Richard I. Blanchard was taken and carried from Indian Stream Settlement by a party of Canadians and others, I went in company with Ephraim H. Mahurin and others, for the purpose of rescuing said Blanchard. He was rescued and brought back to Canaan Corner, Vt. The carrying away said Blanchard was considered a very great outrage, and the people

collected for his rescue were very indignant and very considerably excited, and expressed a determination to rescue him if possible. After our return to Parmelee & Joy's in Canaan, a party started from there to go and take John H. Tyler, who had been arrested by William M. Smith, and rescued as I have before stated. Smith offered five dollars reward for his apprehension and delivery to him. I did not hear the name of Alexander Rea mentioned in connection with said party going to Canada, nor did I hear any reward offered by any individual for bringing said Rea out, nor did I hear any wish or intention expressed that said Rea should be brought out, nor did I know of any such attention, nor do I believe any existed at the time said party started after said Tyler. I left Canaan before said party returned.

MILTON HARVEY.

Coös, ss. August 8, 1836. Personally appearing Milton Harvey, and made solemn oath that the above deposition, by him subscribed, is true. Before me,

IRA YOUNG, *Justice of the Peace.*

Deposition of Richard I. Blanchard

I, Richard I. Blanchard of Indian Stream in the county of Coös and state of New Hampshire, depose and say that about the twelfth day of October, A. D. 1835, William M. Smith, a deputy sheriff of Coös county, came to me and told me he had a writ against John H. Tyler of this place, and he did not know the man, and he wanted me to go with him and show him said Tyler, which I accordingly did. Soon after this, to wit, on the 22nd day of the same October, Zebulon Flanders, Zaccheus Clough, and John H. Tyler came to my house armed with one musket between

them, and told me they had a warrant against me. I asked them by what authority. They answered "the King's." I asked said Clough who appeared to be the chief man of the party, if he would read said warrant to me and he replied yes, and attempted to read it, but was unable to do it, and I asked him to let me have it, and he did hand it to me, but before I had read it said Flanders took it from me, and the party started with me, and were occasionally joined by others, so that by the time I was rescued, the party having custody of me amounted to twelve or fifteen. When I was within about a mile of the house of Alexander Rea, to which place I understood they were conveying me, we were met by a party of about eight men from New Hampshire on horseback, all or most of them armed, and they demanded my release from the party having custody of me, which was refused, but after some further talk the party from New Hampshire resolutely demanding my release, I was at length released, without any force being used on either side, and I went with the party down to the store of Parmelee & Joy in Canaan, Vermont.

I am a deputy of the sheriff of Coös county, and was at the time of my said abduction. I have lived at this place about fifteen years, and never knew or heard of the British government exercising or claiming to exercise any jurisdiction here till some time last year, when Alexander Rea began to claim that the territory belonged to Canada, and on that ground began sending his warrants into the settlement.

RICHARD I. BLANCHARD.

STATE OF NEW HAMPSHIRE, Coös, ss. August 11, 1836.

Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Miles Hurlburt

I, Miles Hurlburt of Colebrook in the county of Coös and state of New Hampshire, depose and say that some time in the month of October, A. D. 1835, Clark J. Haynes of Indian Stream came to my house in Clarksville, where I then lived, and told me that some of the Canadians had been over and taken Richard I. Blanchard, and were carrying him to Canada, and he wanted me to take my gun with me and go and help rescue him from them. Said Haynes then went on towards Colebrook village, as I understood from him at the time, for the purpose of notifying the citizens on the road of the outrage that had been committed in the abduction of one of our citizens. I immediately started, taking with me my gun, powder and balls, and I was joined by Joseph P. Wiswell and John Harriman, who were on horseback, and both armed, as I think, with horseman's pistols.

We all three proceeded to the house of Ebenezer Fletcher in Indian Stream, and immediately before we arrived there we were joined by Joseph Wiswell, Esq., and when we arrived at said Fletcher's we found there Ephraim Aldrich, Oliver Washburn, and a son of said Richard I. Blanchard, whose name I do not know, being a lad about fourteen years of age, who had been employed in alarming the neighborhood and requesting them to turn out and rescue his father, and a number of others whose names I do not now recollect. There were about six of us who went from said Fletcher's, and we proceeded about four or five miles to the house of John Parker in Indian Stream, where we stopped and consulted what was best to do. We then and there concluded to send our arms back to said Ebenezer Fletcher's, which we did, by Joseph Wiswell, Esq., who took them all, assisted by two or three others who went

back with him. We then, viz., Oliver Washburn, Ephraim Aldrich, John Harriman, Joseph P. Wiswell, Blanchard's young son before mentioned, and myself, went on to the house of Barnard Young in Hereford, where we found said Blanchard in the custody of said Young, at his house taking dinner. The party at said Young's who had the custody of said Blanchard consisted of said Barnard Young, Zaccheus Clough, Zebulon Flanders, a Mr. Prouty, whose Christian name I do not know, David Smith, and several others whose names I do not know, amounting in the whole to about twelve. We concluded that we were not then strong enough to rescue said Blanchard. After the party had finished taking dinner, we asked and obtained liberty to speak with said Blanchard, and then suggested to him that if he had a mind to attempt his escape we would interpose, and endeavor to prevent the Canadian party from making pursuit after him; but he thought, as the Canadian party was then so much the strongest, it would be of no use to attempt an escape, for that it would be fruitless, and so the idea was abandoned.

The party having Blanchard then proceeded on their way, while we tarried behind feigning that we did not intend to proceed any farther, though at the same time we had determined to go around another way from the one which they travelled, and intercept them before they reached the house of one Alexander Rea, where we understood from said party they were carrying said Blanchard, provided we were fortunate enough to be joined by a force from New Hampshire strong enough to make our interference effectual. We were met before we got to Canaan Corner (which lay upon the rout we were taking) by Ephraim H. Mahurin and Hiram A. Fletcher, Esqs., who both joined our party, and soon after by many more, and when we arrived at Canaan

Corner I should judge there were nearly one hundred men assembled, most of them armed, this being at the store of Parmelee & Joy. There were about eight of us who started from the store of Parmelee & Joy to go after Blanchard, all on horseback and all armed. This party consisted of Ephraim H. Mahurin, John Milton Harvey, Joseph P. Wiswell, James Minor Hilliard, Horatio Tuttle, Thomas B. Blodgett, Samuel Weeks, Jr., and myself. There were many more who had started and were close at hand, and others who had gone round another way by the house of said Rea. When we came up with the party who had said Blanchard in possession, James M. Hilliard rode up to them first, and I did not hear precisely what he said, but understood at the time that he demanded of them to give up Blanchard, which they declined doing, we all then rode up and commanded them to stand. This order was given by Ephraim H. Mahurin or Horatio Tuttle, I cannot say which. At this most of the party stopped, but some of them appeared to be moving towards the woods, when said Horatio Tuttle said, "Stand, or God damn you I'll blow you through." They then all stopped, and Mr. Mahurin dismounted and went among the party for the purpose of inducing them by persuasion to release Blanchard, which they declined doing, Mr. Prouty keeping his arm locked in Blanchard's. After some further conversation between the two parties we demanded Blanchard, and they refusing to give him up, Mr. Mahurin went up to him and told him to get on to his horse, which he did, Prouty keeping his hold of him till he put his foot in the stirrup to mount Mr. Mahurin's horse, and then we all went off with said Blanchard down to Canaan Corner in Vermont, at the store of Parmelee & Joy. While we were at the store of Parmelee & Joy in Canaan something was said by

some one about retaking from Canada one John H. Tyler, who had previously been arrested by one William Smith, a deputy sheriff of Coös county, and rescued from him by some of the inhabitants of Indian Stream, and for whose apprehension said Smith had offered a reward of five dollars by advertisement, which advertisement was then shown to me by said Smith. Ephraim C. Aldrich and myself then started for Canada, having with us said advertisement, and honestly supposing that we had an undoubted right to retake said Tyler, such being the state of the facts, in any place where we might find him. We had not at that time the most remote idea of meddling with or molesting Alexander Rea, or any other individual whomsoever except said John H. Tyler. Said Tyler was one of the party, as upon reflection I now remember, who had said Blanchard in custody when we rescued him. When we had got over the dividing line between the United States and Canada, and about in sight of Alexander Rea's house, we met John Parker coming from the direction of said Rea's house towards Canaan Corner. Said Parker stopped of his own accord and entered into a conversation with said Aldrich, not the least force being used or threatened by any one. While said Aldrich and said Parker were thus peaceably talking, I saw Alexander Rea coming towards us as fast as he could come, hallooing and bellowing in the most boisterous manner imaginable, more like a madman enraged than any reasonable being, commanding us to be off the King's highway, and the next moment to be off *his grounds*. Seeing him come upon us in this manner, and accompanied by about twelve or fourteen men, whom he was calling upon to make prisoners of Aldrich and myself, I requested Elisha A. Tirrell, who had just joined us, to ride back till he met others of our party

and ask them to come on. I then presented my pistol to said Rea and told him to keep his proper distance, for I should not be taken by him, for if he came any nearer he should take the contents of my pistol. Said Aldrich then spoke and said to Mr. Rea, "I should advise you not to go any farther, for he may hurt you." Rea then turned towards said Aldrich and ordered Barnard Young to take said Aldrich's horse by the bridle, and upon Young and Rea attempting to take Aldrich he defended himself with his sword. Immediately upon this Rea and the party with him commenced throwing stones as rapidly and as violently as possible, two of which hit me with great force, when I discharged the pistol which I had with me, and not before, at the assailants. In firing my pistol I did not aim at any one in particular, and did not think of hitting any one, but I did it more for the purpose of frightening them. About this time there were thirty or forty more of the party which I left at Parmelee & Joy's store came in sight, when said Rea and those with him immediately took flight, Rea running for the woods and Aldrich after him. When I came up with Aldrich and Rea, Aldrich had Rea down, Aldrich having one hand hold of the collar of Rea's coat, and one hand hold of the hilt of his sword, and Rea having hold with both his hands of the blade of Aldrich's sword, with the point of it sticking into the ground, and Aldrich was kicking Rea in the side. When I came up Rea was saying "I surrender," and Aldrich replied, "Then, God damn you, let go the sword and I will let you alone." Dr. Tirrell at the same time came up and remarked to Aldrich, "He says he surrenders. Why don't you let him get up?" Aldrich again replied, "If he will let go the sword I will." And Dr. Tirrell remarked to Rea, "If you will let go the sword I will guarantee that

Aldrich will not hurt you," whereupon Rea let go the sword, and Aldrich let him get up, and we took him and put him into the wagon and carried him down to the store of Parmelee & Joy in Vermont. While this skirmish was carried on I heard four or five guns fired, one of which I fired, as before stated. Who fired the others I cannot tell, for I do not know. I have heard it was stated by said Alexander Rea and some others that said Aldrich and myself stopped one or more people in the road before he came up to us in the manner before stated. I now, upon due reflection, solemnly depose and say that we did not stop or attempt to stop any one by word or deed, or threat of any kind, until we were assaulted by Alexander Rea and the party with him in the manner above stated.

MILES HURLBURT.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 5, 1836.
Sworn to before me,
JOHN P. HALE, *Justice of the Peace.*

Deposition of Ephraim C. Aldrich

I, Ephraim C. Aldrich of Indian Stream, depose and say that about the 22d day of October, A. D. 1835, I was informed that a party from Canada had been over the line and taken Richard I. Blanchard, one of our citizens, and were carrying him to Canada; upon this I turned out for the purpose of rescuing him, as did the inhabitants of this place and the neighboring towns generally. I was not with the party who rescued said Blanchard, having gone on the same purpose in another direction. After said Blanchard was rescued and brought back to the store of Parmelee & Joy in Canaan, Vermont, Miles Hurlburt and myself left said store and started for Canada, for the purpose of retak-

ing one John H. Tyler, who had previously been arrested by one William M. Smith, a deputy sheriff of Coös county, and rescued from him by a mob at Indian Stream. At the time we thus started after said Tyler we had with us an advertisement of said Smith for said Tyler, and we supposed we had an undoubted right to retake said Tyler wherever we might find him. We had not the most remote idea of taking Alexander Rea, or any one else except said Tyler, nor in any way molesting or meddling with them. When we had got into Canada, and were peaceably talking with one John Parker, not having offered or threatened or intended any violence, by action, word, or gesture, we were violently assaulted by said Alexander Rea in the manner testified by Miles Hurlburt. Rea and Young both came to me, took my horse by the bridle, and attempted to make a prisoner of me. After commanding them to let me alone and let go my horse, which they would not do, I drew my sword and struck Young with it, and immediately thereupon said Alexander Rea threw at me a large stone weighing, as I should judge, eight or ten pounds, which hit me on the head near my right eye, and broke the bone at the corner of my eye.

It has been stated and sworn by said Alexander Rea and some others, as I am informed, that said Hurlburt and myself stopped some people in the road before said Rea came up to us as aforesaid. I solemnly depose and say that said statement, by whomsoever it is made, is absolutely and totally false in every particular. We stopped no one, nor did we attempt or intend to stop any one, till we were assaulted by said Rea and Young as aforesaid.

E. C. Aldrich.

State of New Hampshire, Coös, ss. August 11, 1836.
Sworn to before me,

John P. Hale, *Justice of the Peace.*

Deposition of James M. Hilliard

I, James M. Hilliard of Colebrook in the county of Coös and state of New Hampshire, husbandman, depose and say that sometime about the last of October, A. D. 1835, Asa Parker of Indian Stream Settlement came to my house and informed me that Richard I. Blanchard of said Indian Stream Settlement had that morning been taken from his house by some people from Canada, and that they were then conveying him, said Blanchard, to Sherbrooke in said Canada, and that he wanted me to go and help release said Blanchard. I at first declined, but after he left I concluded to go, got my horse, and started in company with Samuel Weeks, Jr., of said Colebrook, Horatio Tuttle of said Colebrook, and Luther Parker of Indian Stream. After proceeding about two miles we were joined by Thomas B. Blodgett and Thomas Piper, both of Stewartstown in said county of Coös. We all proceeded together to Canaan in Vermont, to the store of Parmelee & Joy, where we tarried a short time, and said Thomas B. Blodgett rode on towards Indian Stream, and in a few minutes returned in company with John M. Harvey, and told us that the Canadians had Blanchard in their custody, and were to pass over Hereford hill about two miles distant from the store where we then were, and that we should probably meet them at the hill if we rode there immediately. Said Blodgett rode by towards Hereford hill without making any stop at the store, and called upon us to follow him, and myself, said Samuel Weeks, Jr., Thomas Piper, Horatio Tuttle, and Ephraim H. Mahurin followed after said Blodgett. When we came up with the party who had possession of said Blanchard I was in advance of the party a few rods, and rode up to those who had the custody of said Blanchard, and asked them if they had not got Blan-

chard, our sheriff; one of the party answered that they had, they had a warrant against him as one of the King's subjects. I answered that that was not the case, he was a citizen of this state, and that they had no right with him. They replied that he was taken by them on the soil of Canada. To which they were answered that he was taken from our state, that he was one of our officers, that they had nothing to do with him, and they must give him up. They replied that they should not give him up. I told them he must be given up peaceably or we should take him. Ephraim H. Mahurin then told them that we did not wish for any difficulty or disturbance, but we must have their prisoner, and thereupon dismounted and went along to Blanchard, took hold of him, and told him to get on to his (Mahurin's) horse, at the same time leading him along to his horse, the Canadians holding on to him till he got to the horse, when they let go their hold, and Blanchard mounted the horse and rode off. Our party had previously been joined by Miles Hurlburt and Joseph P. Wiswell, but Luther Parker had not gone with us farther than the store of Parmelee & Joy. This was all the violence that was offered or threatened to any of the party who had the custody of Blanchard, except some threats made use of by one Horatio Tuttle, which were promptly discountenanced by said E. H. Mahurin and myself, the remainder of the party saying nothing. We then returned to the store of Parmelee & Joy with said Blanchard. After we had been at the store of said Parmelee & Joy about an hour or an hour and a half, it was proposed by some one to go over on to the Canadian side and take one Tyler, who had previously been arrested by one William M. Smith, a deputy sheriff of Coös county, and had made his escape into Canada, a reward having been offered for his apprehension by

said William M. Smith by advertisement. To this proposition I replied that they had better not go, Mr. Mahurin having left the store for his home previously, and I tried all I could to persuade them not to go, but they went, and after having been absent about an hour they returned bringing with them, not said Tyler, but one Alexander Rea. There were none who went on this last expedition after Tyler, and returned with Rea, that were with us when we took Blanchard, except Miles Hurlburt and Joseph P. Wiswell. I further depose and say that I never heard Rea's name mentioned in connection with this party going into Canada till after they returned with him in their possession, Tyler being, as I understood, the sole object of pursuit.

JAMES M. HILLIARD.

STATE OF NEW HAMPSHIRE, COÖS, SS. August 1, 1836.

Then said James M. Hilliard personally appeared and made oath that the above deposition, by him subscribed, is true. Before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Josiah Parmelee

I, Josiah Parmelee of Canaan in the county of Essex and state of Vermont, depose and say that some time in October, A. D. 1835, there was a large party assembled in my store in said Canaan, who had, as I understood, been over to Canada and rescued one Richard I. Blanchard from the Canadians, who had taken him from Indian Stream. After they had been here some time it was proposed by some one to go and retake one John H. Tyler from Canada, who had previously been arrested by one William Smith, a deputy sheriff of Coös county, and rescued from said Smith by some of the

inhabitants of Canada or Indian stream. I understood that said Smith had offered a reward of five dollars for the apprehension of said Tyler. Accordingly said party started. I further depose and say that the name of Alexander Rea, or of any other individual except said John H. Tyler, was not mentioned by any one till after they returned, having said Alexander Rea in custody, said Tyler being the sole object of their pursuit. I made no offer of any reward for the taking of said Rea, nor did I hear any one else offer any reward for him, nor did I hear his name mentioned till after said Rea was brought here.

I further depose and say that I am well acquainted with Alexander James McKinnon of said Canaan, tailor, and that his reputation for truth is notoriously bad.

JOSIAH PARMELEE.

STATE OF NEW HAMPSHIRE, COÖS, SS. August 4, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of James Mooney

I, James Mooney of Stewartstown in the county of Coös and state of New Hampshire, depose and say that in the year 1835 I was captain of the sixth company of the 24th regiment of militia, and continued to hold said office till June of the present year, and had command of the detachment of said regiment stationed at Indian Stream Territory in November, 1835, which detachment there continued till February 18, 1836. On the twenty-first day of October, A. D. 1835, Clark J. Haynes came to my house and notified me that a mob from Canada had been over the line and had taken Richard I. Blanchard, a deputy sheriff of said county

of Coös, and were then carrying him to Canada, and that said Blanchard wanted me to raise a force and rescue him.

I asked said Haynes if he knew the number of those who had Blanchard. He replied he did not. I then told said Haynes that I was not the proper authority to apply to, but as Col. Young, commander of the regiment was absent, and the Lieut.-Col. was fifty or sixty miles distant, I would raise what force I could, and risk the responsibility of rescuing said Blanchard. The news of the abduction of said Blanchard excited very general indignation through the neighborhood, and I sent word to those residing in my neighborhood to turn out; said Haynes went on to Colebrook to notify the inhabitants there, and request them to turn out. There was accordingly a very general turn-out, and a strong determination expressed to rescue said Blanchard at every hazard. I was not present when said Blanchard was rescued, but I first saw him at the store of Parmelee & Joy in Canaan, Vermont, or that immediate vicinity. After we had been some time at said store there was some talk about going into Canada again, and retaking one John H. Tyler, who was said to have been previously arrested by one William M. Smith, a deputy sheriff of said county of Coös, and rescued from him by a mob from Indian Stream. There was also an advertisement of said Smith shown at the time, offering a reward of five dollars for the apprehension of said Tyler. Accordingly different parties left the said store, and went to Canada after said Tyler. There was no other object that I heard, or thought of, named by any of those who then went into Canada except the apprehension of said Tyler. The idea of taking Alexander Rea, or any one else except said Tyler, was not, to my knowledge, suggested or thought of. I was not

with the party that took said Rea, but when I arrived there I saw him travelling as fast as he well could towards the woods, and Ephraim C. Aldrich pursued him. He was brought from the woods and put into a wagon, and brought down to Canaan Corner in Vermont. I was not at this time in the employ of the state, nor in the exercise of any military command.

The only times when I ever exercised any military command in my life, except at our annual company trainings and regimental musters, were from the 4th to the 6th of Aug., A. D. 1835, both inclusive, having been ordered to rendezvous with my company at Stewartstown for the purpose of rendering to John H. White, Esq., sheriff of said county, such assistance as might be necessary to enable him to serve process in Indian Stream Territory, our officers having been of late resisted there, and more serious resistance having been threatened after the interference of Alexander Rea. The other occasion subsequent to the abduction of said Blanchard, and also subsequent to the time said Rea was brought to Vermont in the manner above related, when I was stationed at said Indian Stream in command of a detachment of the 24th N. H. militia, as before stated. I have lived in Stewartstown about fifteen years, and never knew or heard of any other authority claiming to have jurisdiction over Indian Stream Territory except the state of N. H., till after I understood that some time in the year 1835 one Alexander Rea had been claiming the territory as belonging to Lower Canada.

JAMES MOONEY.

STATE OF NEW HAMPSHIRE, Coös, ss. August 8, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of James M. Jewett

I, James M. Jewett of Colebrook in the county of Coös and state of New Hampshire, depose and say that sometime in October, 1835, information was given at Colebrook that Richard I. Blanchard, deputy sheriff for Coös county, had been taken by a party from Canada, and they were conveying him to Sherbrooke. On receiving this information I started with a number of individuals, armed, Hiram A. Fletcher, Esq., being one of them, to go and rescue said Blanchard. On arriving at Canaan, Vt., a number of persons had arrived for the same purpose, and more were coming in every moment. They were all indignant at the outrage, and expressed a determination to retake Blanchard if they had to pursue him to Sherbrooke. I did not go from Canaan with the party, but remained there until they returned with Blanchard, at which time a great number of people had arrived, and more were coming in.

Some of the party that rescued Blanchard, on their return, saw William M. Smith, and told him if he had been with them he might have retaken his prisoner, Tyler. I had understood that said Smith had some time before arrested said Tyler at Indian Stream, and he had been rescued out of his custody. Smith in answer said, if any one would take and bring said Tyler to him he would give five dollars. I was informed that an advertisement was made by said Smith for said Tyler, and a party started after Tyler.

I did not hear any one offer anything as a reward for bringing Alex. Rea from Canada, nor did I hear any person mention any wish or intention to go after said Rea, nor do I believe that any of the party thought of it. I did not hear his name mentioned in connection with the party going after Tyler, but the sole object that I heard mentioned, or that I thought of, was their going after said Tyler.

When the party returned, having said Rea in custody, great surprise and regret was expressed by the people there that said Rea had been taken and brought there, knowing that they had no right so to do; and Hiram A. Fletcher, with whom I was in company, on being applied to to make out some papers to detain said Rea, declining having anything to do with it, told them they had done wrong, had gone too far, and that they had no right to take Rea or detain him, and they had better get out of the scrape the best they could; soon after which said Fletcher and myself left for home.

JAMES M. JEWETT.

Coös, ss. August 5, 1836. Personally appearing James M. Jewett and made solemn oath that the foregoing deposition, by him signed, is true. Before me,

IRA YOUNG, *Justice of the Peace.*

Deposition of Hiram A. Fletcher

I, Hiram A. Fletcher of Colebrook in the county of Coös and state of New Hampshire, counsellor-at-law, depose and say that sometime in the latter part of October, A. D. 1835, one Clark J. Haynes of Indian Stream came to Colebrook, where I then and now reside, and informed that Richard I. Blanchard of Indian Stream, a deputy sheriff, had been arrested on a bench warrant, or a warrant issued by Alexander Rea of Hereford in the province of Lower Canada, Esquire, and that the officer and his assistants were taking him to Sherbrooke, or some other place in the province, for trial, for having received the appointment of, and assuming to act as a deputy sheriff at Indian Stream, under John H. White, Esquire, sheriff of said county of Coös.

Said Haynes told me and others that notice had been

given in Clarksville and Stewartstown of the arrest of said Blanchard, and that a great many had gone to rescue him, and that his object in coming to Colebrook was to give this information.

I used my endeavors to raise a party to join in the pursuit. Ephraim H. Mahurin, Esq., Milton Harvey, a deputy sheriff, James M. Jewett, Horatio Tuttle, and I immediately started off. We were all armed and supplied with ammunition. Said Mahurin carried a double-barrelled gun, Harvey a horse pistol, Jewett a brace of pistols, Tuttle a musket and bayonet, and I a rifle. We went up the river road through Stewartstown, crossed the bridge near Canaan Corner, Vermont, and then took the road leading to Indian Stream, supposing that by so doing we should meet the party having Blanchard in custody before they could get over Canada line with him; but after we had got on about half a mile we met a number of men from Clarksville and Indian Stream, most or all of them on foot, without fire-arms, running very fast, who informed us that they had come up with Blanchard, but could not rescue him, as the party having him in custody was about their number and armed; that they had crossed Hall's Stream with him, and were proceeding on towards Esquire Rea's as fast as possible; and that the only way he could be retaken would be by going back to Canaan Corner, and taking a road which intersects with the road they would travel in going from Hall's Stream to Mr. Rea's, and meet them on the road. We all returned to Canaan, and there we divided, a part of those on foot and in carriages went up the road leading from Canaan to Canada, and those mounted went north in an old road or path which intersects with the said road leading from Hall's Stream to said Rea's. It was at or near this place that Blanchard was taken, as I am informed, but

I was not of the party that took him. I came up with this party that retook Blanchard before they had returned to Canaan Corner; but on which side of Canada line it was that I joined them I neither know nor care.

When we got back to Canaan Corner there were a great many people assembled from Colebrook, Stewartstown, Clarksville, and Indian Stream, and a great many more arrived there soon afterwards. Many of them were armed and equipped like the New Hampshire militia. So far as I could judge there was a general rejoicing that Blanchard had been retaken. I heard someone say to William M. Smith, then a deputy sheriff of Coös county, that if he had been with the party that rescued Blanchard he could have recaptured his former prisoner, John H. Tyler, who had been arrested a short time before by said Smith at Indian Stream, and was rescued. Smith said he should like to get him if he could without exposing himself, or something to that effect. I think he then offered a specific reward for him, but do not now recollect the amount.

It was suggested that the officer who had suffered Blanchard to be rescued, and his whole party, John H. Tyler among the rest, had gone to Esq. Rea's to condole with that functionary on the solemn occasion. I was then called to supper, and whilst I was at the table Joseph Wiswell of Clarksville, Esquire, came into the room, and said some individuals were going after John H. Tyler, and desired me to write an advertisement for said Smith, offering a reward. I told him I came away from home before dinner and was a meal behind hand, and could not then stop to write one, but stated to him what I thought was necessary to set forth in the advertisement, and he said that would do; he could write it. After supper I went out and shot at a mark with Gideon Tirrell, Esq., James M. Hilliard, and others. I should

think we were engaged in this amusement about an hour; it was then so dark we could not well see, and for that reason quit. While engaged in firing at a mark I heard the report of guns in the direction of Mr. Rea's, but I then thought they could not be so far off, as the distance is about a mile and a half. I supposed they were discharged to prevent those accidents that might happen in carrying them home loaded, as many of the guns had been discharged after retaking Blanchard, to avoid such an event. Some time after we had done shooting at the mark I heard some one hallooing up the road towards Mr. Rea's. I went to the corner of Mr. Parmelee's store, and saw two or three wagons coming down the road very fast, filled with men. I supposed they had got John H. Tyler, as I heard them say "We have got *him*." I might have shouted "Hurrah for Jackson," as Mr. Rea states in his deposition. I think I did, but I am confident I did not add, as he states in his deposition, "Here is old Rea—we have got the d—d old rascal," as I did not distinguish any person sufficiently to recognise them till the wagon in which Mr. Rea was passed me. It was well nigh nightfall at the time, and had it been never so light I could not distinguish him from others in the wagon at the distance they were off at the time above mentioned, as I am very near-sighted.

When I found that Mr. Rea was captured, instead of Tyler, I went towards the stables for my horse, and a number of persons followed after me, but who they were I cannot positively state, and said something must be done with Rea, and requested that I should make out some precept, or advise to some course that would hold him to answer for his conduct in regard to the Indian Stream difficulty. I told them all that I could not do anything of the kind, although in my judgment Mr.

Rea had acted more like a judicial monster than like one of His Majesty's justices and conservators of the peace in all his doings, so far as respected the arrest and examination of one Luther Parker, Esq., for an alleged offence mentioned in said deposition of said Rea, and also in respect to the arrest of said Richard I. Blanchard, and advised them to dress his wounds, wash him up, and send him home. I told them they had no right to take him anywhere, even in New Hampshire, much less to seize him in Canada and transport him over the line. It was admitted by all the bystanders that the capture of Rea might be illegal, but they assigned, as a reason for so doing, that, in attempting to take Tyler, Rea and his party resisted, and pelted them with stones, and in self defence they took Rea as a kind of prisoner. I came away from Mr. Parmelee's directly after, and did not see Mr. Rea that night. I did not hear anyone say or intimate, nor did it enter my mind, that this party that went over the line and took Rea were going or had gone to take him, but I did hear it said again and again that they were going to take John H. Tyler, for whom a reward had been offered by said Smith as above mentioned.

HIRAM A. FLETCHER.

STATE OF NEW HAMPSHIRE, COÖS, ss. August 3, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Archelaus Cummings, Jr.

I, Archelaus Cummings, Jr., of Canaan in the county of Essex and state of Vermont, depose and say that some time in October last past I went from the house

of my father, where I reside, in Canaan to the store of Parmelee & Joy in said Canaan, the distance of about 3-4ths of a mile, having understood that a party, principally from New Hampshire, had been into Canada and rescued one Richard I. Blanchard, who had been taken from Indian Stream by some Canadian people. After I arrived at said store I found that said Blanchard had been rescued, as I had previously heard. After I had been at said store some time I heard a proposition made by someone to go over the Canada line and retake one John H. Tyler, who, it was said, had been arrested by one William Smith, a deputy sheriff of the county of Coös in the state of New Hampshire, and who was said to have been advertised by said Smith.

I offered no reward for the apprehension of Alexander Rea, nor did I hear any other person offer any reward for the apprehension of said Rea, nor of any other person except said John H. Tyler, nor was the name of any other person mentioned by anyone as the object of pursuit in crossing the line into Canada, except said John H. Tyler. I saw Capt. James Mooney, one of the party who started after Tyler, and he told me at the time that John H. Tyler was the person whom they were going after, and that some *Esquire*, whose name I do not recollect, had advised them that they had a right so to do.

I further depose and say that I have for about a year been acquainted with the reputation of Alexander James McKinnon of this town, and he is generally called a man whose word is not at all to be relied on. His reputation for truth is not good.

After the party started from the store of said Parmelee & Joy for Canada I saw said Capt. James Mooney hand someone a paper, which I understood

at the time was said Smith's advertisement for said John H. Tyler.

ARCH. CUMMINGS, JR.

STATE OF NEW HAMPSHIRE, COÖS, SS. August 4, 1836.
Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Joseph Wiswell

I, Joseph Wiswell of Clarksville in the county of Coös and state of New Hampshire, depose and say that I have been a justice of the peace for this county about six years, and have lived in this town twenty years, and have been well acquainted with Indian Stream and its inhabitants for most of the time, and never knew or heard of any other government than the state of New Hampshire exercising or claiming to exercise any jurisdiction there till the interference of one Alexander Rea in June, 1834, who then claimed that the territory belonged to the province of Lower Canada. Some time in the month of October last Clark J. Haynes of Indian Stream came to my house in Clarksville, and informed me that a mob had been over from Canada, and had taken one Richard I. Blanchard, one of our citizens, and were then carrying him to Canada, and he wished the neighborhood to turn out and rescue him. Soon after, the same report and request was made by Luther Parker. I accordingly started for Indian Stream, with the intention of rescuing said Blanchard, and just as I arrived at the house of Ebenezer Fletcher in Indian Stream, I overtook Miles Hurlburt, John Harriman, and several others. We left said Fletcher's together, and just as we arrived at the house of John Parker, situate on

the easterly side of Hall's Stream, we concluded that the party who had Blanchard in possession would pass Hall's Stream before we could overtake them, and, as we did not wish to go into Canada armed, it was concluded to send back the arms. Accordingly I took the arms to carry back, accompanied by two or three others, and on our way back I saw Emor Applebee, who, I understood, was one of those who had been concerned in the abduction of said Blanchard, and he was requested to surrender himself, which he refused to do, and, being armed with a musket, he stated that he should not be taken alive, we had better not come any nearer. We, that is to say those that started from John Parker's with the arms, proceeded to Canaan Corner, Vermont, and, when we arrived there, found that the party who had gone in pursuit of those who had Blanchard had returned to Canaan, having rescued said Blanchard, and brought him back with them. I was there when the party started after Tyler from the store of Parmelee & Joy, and I did not hear Rea's name mentioned at all in connection with their expedition to Canada. After this party had gone to Canada after said Tyler, I went up to the house of Judge Cummings in said Canaan, situated between the house of said Alexander Rea, in Hereford, and the store of Parmelee & Joy, and a few minutes afterwards my son, Joseph P. Wiswell, came up there also, where we remained and took supper, and were there when the party having said Rea in custody returned to Canaan, Vermont, so that I am enabled to state positively that neither my said son, Joseph P. Wiswell, nor myself had any part in the taking of said Rea, or conveying him to Canaan, Vermont. The inhabitants of Indian Stream, whenever they have destroyed any wild animals for which a bounty is given by the laws of the state of

New Hampshire, have, so far as my knowledge extends, uniformly applied for said bounty here, and obtained it. I have frequently joined the inhabitants in marriage, and never knew them to resort to Canada for the purpose of being married, or anyone deriving his authority from the church or civil authority of Canada to solemnize marriages among them.

JOSEPH WISWELL.

STATE OF NEW HAMPSHIRE, COÖS, SS. August 9, 1836. Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

Deposition of Ephraim H. Mahurin

I, Ephraim H. Mahurin of Columbia in the county of Coös in the state of New Hampshire, depose and say that about the 22d of October last, being at Colebrook, an express arrived from the Indian Stream Settlement, so called, giving information that a party from Hereford, L. C., had taken Mr. Blanchard, a deputy sheriff of this county, and were conveying him to Sherbrooke. I started with several others, and went for the purpose of retaking him, and on Hereford hill, so called, we met some twelve or more persons leading said Blanchard towards Mr. Rea's house in Hereford, and on meeting them one of our company, I think, commanded them to stop, and used some decisive language, which was promptly disapproved by Mr. Hilliard and myself, and we informed the party who had Blanchard in custody that we wished to have no difficulty with them, that it evidently arose from the circumstance that the boundary line was not fully settled between the two governments, and that, as the state of New Hampshire had for a long time claimed

and exercised jurisdiction over that tract, and the claims of actual jurisdiction by the province being very recent, and, as we believed, originating with the aforesaid Rea, we felt it to be our duty to retake Blanchard, and to protect the officers of said settlement from arrest by officers from the province, and that we should take him at all hazards, but wished to do it without any trouble or hard words with them. I then dismounted, and told Blanchard to get on my horse; and, he at first appearing to hesitate, I repeated the direction, when he stepped towards the horse, with a man hold of each arm, but when he got to the horse they let go, and he mounted and rode to Canaan, Vt. Considerable abusive language was used towards us by two persons of the party, Mr. Blood and Mr. Beecher, but we told them they might say what they thought fit, as we should not be led into a quarrel with them, but should let King William and Gen. Jackson decide the matter, and we then left them, and after a stop of about fifteen minutes at Parmelee's store I went directly home to Columbia, a distance of twenty miles from Hereford; and I never heard of the affair at Mr. Rea's until a day or two after.

I acted under no orders from any one in the part I acted, and no one that I know of claimed any authority over another.

I have known of no "occasional acts of jurisdiction" exercised by the provincial government until the arrest of Luther Parker, and, from the best information I have, these "acts" owe their origin and support to a few outlaws at Indian Stream, encouraged by said Rea.

I have always understood that said tract was claimed by this state, by a survey made by Jeremiah Eames, Jr., Esq., more than forty years since, and more than thirty

years ago process from the courts of this state was served on Richard Smart, who resided on said tract, and his property attached.

EPHRAIM H. MAHURIN.

Coös, ss. August 9th, 1836. Personally appearing Ephraim H. Mahurin, and made solemn oath that the foregoing deposition, by him subscribed, is true. Before me,

IRA YOUNG, *Justice of the Peace.*

Deposition of Benjamin Applebee

I, Benjamin Applebee of Indian Stream in the county of Coös and state of New Hampshire, depose and say that I have lived at this place seventeen years. I am a son of Emor Applebee, now in jail at Lancaster, and was arrested last winter by Col. John H. White, and was carried to Lancaster and detained at Lancaster six months and three days for resisting a deputy sheriff of Coös county in the service of process. I further depose and say I never should have thought of resisting the officers of New Hampshire had I not been advised so to do, and assured I should be protected in so doing by the government of Canada, by Alexander Rea of Hereford, Lower Canada.

BENJAMIN APPLEBEE.

STATE OF NEW HAMPSHIRE, Coös, ss. August 11, 1836.

Sworn to before me,

JOHN P. HALE, *Justice of the Peace.*

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